

94948
A C T S

AND

R E S O L V E S

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1 8 5 4 :

TOGETHER WITH THE MESSAGES.


PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.



B O S T O N :

WILLIAM WHITE, PRINTER TO THE STATE.

1 8 5 4 .

 The General Court of 1854 assembled in the State House in Boston, on Wednesday, the fourth day of January, and was prorogued on Saturday, the 29th day of April.

The oaths of office were administered to His Excellency, EMORY WASHBURN, on the twelfth day of January.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS,

1854.

An Act extending the time for constructing the Danvers and Georgetown
and the Danvers Railroads. *Chap. 1.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The times, within which the Danvers and Georgetown Railroad Company, and the Danvers Railroad Company, may construct their respective railroads, are hereby respectively extended to the first day of September, in the year of our Lord one thousand eight hundred and fifty-four. [*Approved by the Governor, January 28, 1854.*]

Time for construction extended.

An Act authorizing the Supreme Judicial Court to restrain Railroad Corporations, by injunction, from entering upon, and using land, in certain cases. *Chap. 2.*

Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of same, as follows :

SECT. 1. Whenever it shall be made to appear to the supreme judicial court, or any justice thereof, in term time or vacation, upon petition of any owner of land or other property, that any railroad corporation heretofore, or which may be hereafter established, has neglected, for the space

Injunction to be issued in certain cases.

Agreeable to
ch. 39, sec. 61,
R. S.

of thirty days, to comply with an order of county commissioners, requiring security to be given for damages and costs, according to the provisions of the sixty-first section of the thirty-ninth chapter of the Revised Statutes, said court, or any justice thereof, shall have power, by injunction or other suitable process, according to the practice of courts of equity, to restrain and prohibit any such railroad corporation from entering upon, or using any such land, or other property, for any purpose except making surveys, until such order of county commissioners shall be complied with.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 1, 1854.*]

Chap. 3. An Act authorizing the Pilgrim Society to hold additional Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Pilgrim Society of Plymouth, are hereby authorized to purchase and hold real estate, to the amount of one hundred thousand dollars, for the purposes specified in their charter. [*Approved by the Governor, February 4, 1854.*]

Chap. 4. An Act concerning the Eliot Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended
for paying in
capital stock.

SECT. 1. The time within which the increased capital stock of the Eliot Fire Insurance Company is required to be paid in, by an act entitled "An Act to change the name of the United Interest Insurance Company, and for other purposes," passed on the eleventh day of February, in the year one thousand eight hundred and fifty-two, is hereby extended to the eleventh day of February, one thousand eight hundred and fifty-six.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 4, 1854.*]

Chap. 5. An Act to incorporate the Quincy Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Henry H. Faxon, John Faxon, and Robert M. Morse, their associates and successors, are hereby made a

corporation by the name of the Quincy Gas Light Company, for the purpose of manufacturing and selling gas in the town of Quincy; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Duties, liabilities, &c.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value, the sum of one hundred thousand dollars; and the whole capital stock shall not exceed one hundred and fifty thousand dollars. Real estate not to exceed \$100,000, nor capital, \$150,000.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Quincy, shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in such streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of the said corporation, which may in any manner, affect the health, safety or convenience of the inhabitants of said town. May open the ground, lay pipes, &c. Provided, &c.

SECT. 4. No shares in the capital stock of the said corporation shall be issued, for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued. [*Approved by the Governor, February 6, 1854.*] Shares not to be issued under par.

An Act concerning the Webster Fire and Marine Insurance Company. *Chap. 6.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time, within which the capital stock of the Webster Fire and Marine Insurance Company in Boston, is by law required to be paid in, is hereby extended to the twenty-first day of February, in the year one thousand eight hundred and fifty-six. Time extended for paying in capital stock.

SECT. 2. Said company shall have power and authority to commence doing business, when seventy-five per cent. of their capital stock shall have been paid in. When to commence business.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 6, 1854.*]

Chap. 7.

An Act concerning Loans by Banks to the Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Loan by banks
to common-
wealth not to
be deemed, &c.

Money loaned by any bank of this State to the Commonwealth, shall not be deemed to be debts due said bank, within the intent and meaning of the ninth section of the thirty-sixth chapter of the Revised Statutes; and so much of said section as is inconsistent with this act, is hereby repealed: *provided*, that the amount of said loan, thus exempted, shall not exceed five per cent. of the capital stock of said bank. [Approved by the Governor, February 6, 1854.]

Provided.

Chap. 8.

An Act to change the corporate name of the Doctrinal Tract and Book Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed

The corporate name of the Doctrinal Tract and Book Society, a society incorporated in the year eighteen hundred and fifty, is hereby changed; and said society, from and after the passing of this act, shall be called and known by the name of the Congregational Board of Publication. [Approved by the Governor, February 6, 1854.]

Chap. 9.

An Act to incorporate the Dorchester Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Gideon Beck, Alexander Pope and Charles C. Harrington, their associates and successors, are hereby made a corporation by the name of the Dorchester Gas Light Company, for the purpose of manufacturing and selling gas in the town of Dorchester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities,
&c.

Real estate,
not to exceed
\$100,000,
nor capital,
\$150,000.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value one hundred thousand dollars; and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

SECT. 3. Said corporation, with the consent of the

selectmen of the town of Dorchester, shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

May open
ground, lay
pipes, &c.

Provided, &c.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in, on each share, than the par value of the shares which shall first be issued. [*Approved by the Governor, February 6, 1854.*]

Shares not to
be issued under
par.

An Act in addition to an Act to incorporate the Conway Mutual Fire Insurance Company. *Chap. 10.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. On receiving from the subscribers thereto a guarantee capital of fifty thousand dollars, which shall be paid in within two years from the passage of this act, the Conway Mutual Fire Insurance Company, established at Conway, may make insurance against fire and against maritime losses, otherwise than on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to insurance companies.

Guarantee capital of \$50,000.

May insure
against fire
and maritime
losses.
Duties, liabilities, &c.

SECT. 2. Said company may increase its guarantee capital to an amount not exceeding one hundred thousand dollars, at any time within three years from the passage of this act, and may hold real estate not exceeding in value twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company. [*Approved by the Governor, February 6, 1854.*]

Guarantee capital not exceeding \$100,000, and real estate, \$20,000.

Chap. 11.

An Act concerning the Militia.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cavalry, &c.,
may be attach-
ed to brigades
in certain ca-
ses.

SECT. 1. Whenever any company of cavalry, or any company now formed, or which may be hereafter formed, under the seventh section of the one hundred and seventy-fourth chapter of the statutes, passed in the year eighteen hundred and fifty-three, shall be so located that the same cannot be organized into battalions of their respective arm, they may be attached to such brigades as the commander-in-chief may order.

Entitled to cer-
tain officers.

SECT. 2. Each and every company aforesaid, which may be so attached to any brigade, as aforesaid, shall be entitled, so long as it remains so attached, to an adjutant, with the rank of lieutenant, and one surgeon, to be appointed by the commanding officer of said companies respectively, and commissioned by the commander-in-chief, and to hold their commissions respectively as other staff-officers now do, or until the companies to which they may be respectively attached, may be organized into battalions or regiments of the same arm: *provided, however*, that any adjutant, so appointed and commissioned, shall not be entitled to receive the compensation, as provided in section one hundred and twenty-three of the twelfth chapter of the Revised Statutes.

Provided.

Inconsistent
acts repealed.

SECT. 3. All provisions of law inconsistent with the provisions of this act, are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 7, 1854.*]

Chap. 12.

An Act relating to the obtaining of Property by False Pretences.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ch. 126, sec. 32,
R. S. not to ap-
ply in certain
cases.

SECT. 1. The provisions of the thirty-second section of chapter one hundred and twenty-six of the Revised Statutes, shall not apply to any person for obtaining by way of purchase from another, goods, wares, merchandise, or other property, by means of any false pretence relating to such purchaser's means or ability to pay, when by the terms of such purchase, payment for the same is not to be made upon or before the delivery of the property so obtained, unless such pretence shall be made in writing, and signed by the party to be charged.

SECT. 2. This act shall have no effect upon any indictment now pending, or in cases in which goods, wares and merchandise, or other property, have been or shall be obtained before this act goes into operation. *[Approved by the Governor, February 8, 1854.]* When to take effect.

An Act to incorporate the S. P. Ruggles Power Press Manufacturing Company. *Chap. 13.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Stephen P. Ruggles, John M. Fessenden, Frederick O. Prince, their associates and successors, are hereby made a manufacturing corporation, by the name of the S. P. Ruggles Power Press Manufacturing Company, for the purpose of manufacturing printing presses and other machinery in the city of Boston, in the county of Suffolk; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators. Purpose. Powers, duties, &c.

SECT. 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars. Real estate \$100,000, whole capital not to exceed \$500,000.

SECT. 3. No shares in the capital stock of said company shall be issued, for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued. No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, February 8, 1854.]*

An Act to incorporate the Cutting Machine Manufacturing Company. *Chap. 14.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. S. C. Demerest, Edward Richmond, and Frederick O. Prince, their associates and successors, are hereby made a manufacturing corporation, by the name of the Cutting Machine Manufacturing Company, for the purpose of manufacturing rotary cutters for cutting metallic and other substances, in the city of Boston, in the county of Corporators. Purpose.

Powers, duties, &c. Suffolk; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$100,000, whole capital, \$500,000. SECT. 2. The said corporation may hold, for the purpose aforesaid, real estate, to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars.

No shares to be issued under par. SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 8, 1854.*]

Chap. 15.

An Act to incorporate the Lawrence Carpet Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. George Adams, John Rayner, Thomas Crossley, their associates and successors, are hereby made a corporation, by the name of the Lawrence Carpet Company, for the purpose of manufacturing carpets and other woollen goods, in the city of Boston and city of Lawrence; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose. SECT. 2. The said corporation may, for the purposes aforesaid, hold real estate to the amount of one hundred and fifty thousand dollars; and the capital stock of said corporation shall not exceed six hundred thousand dollars.

Real estate, \$150,000, whole capital, \$600,000. SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

No shares to be issued under par. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 9, 1854.*]

An Act in addition to an Act to establish the City of Lynn.

Chap. 16.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The election of city and ward officers shall take place on the second Monday of December of each year; and the municipal year shall commence on the first Monday of January next following; at which time the city government shall be organized. This change shall take effect on the second Monday of December, 1854, and the term of office of the officers elected on the second Monday of March, 1854, shall expire on the first Monday of January, 1855.

Time of electing city and ward officers, changed, &c.

SECT. 2. The common council shall consist of twenty-two members, and no more.

Common council.

SECT. 3. The board of assessors shall consist of three persons, to be selected from the city at large; and shall be elected by the qualified voters, at their annual meetings, held in their respective wards; and the said voters of each ward shall, at the same time, elect by ballot, one person residing in their said ward, as an assistant assessor to aid said board in the valuation of property in their respective wards.

Assessors and assistants, how chosen.

SECT. 4. The qualified voters of each ward, at their respective annual ward meetings, shall elect by ballot, one person residing in their said ward, to be a member of the school committee; and shall also cast their ballots for five persons from the city at large, to be members of the school committee; and the persons thus chosen, together with the mayor and president of the common council, shall constitute the school committee of the city.

School committee, how constituted and chosen.

SECT. 5. The lists of jurors, in the city of Lynn, shall be prepared by the mayor and aldermen of the city, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes, to be drawn by the selectmen within and for their respective towns; and the said lists, when prepared by the mayor and aldermen, shall be submitted to the common council, for concurrent revision or amendment.

Mayor and aldermen to prepare lists of jurors, &c.

SECT. 6. The said mayor and aldermen, and the clerk of the city of Lynn, shall severally have and exercise all the powers and duties, as to the drawing of jurors in the city of Lynn, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks,

Jurors, how drawn.

Venires for jurors, how served.

in their respective towns: and all venires for jurors, to be returned from Lynn, shall be served on said mayor and aldermen.

Inconsistent acts repealed.

SECT. 7. All acts and parts of acts, in relation to said city, which are inconsistent with the provisions of this act, are hereby repealed.

When to take effect.

SECT. 8. This act shall not go into operation until a majority of the citizens, voting thereon by yea and nay, and by ballot, shall accept the same, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of said meetings, and within sixty days after the passage of this act; at which meetings the polls shall be kept open, at least six hours, and the check lists shall be used as at the election of state and city officers; and, if this act shall be so accepted, it shall take effect from and after its acceptance, as aforesaid.

[Approved by the Governor, February 9, 1854.]

Chap. 17. An Act relating to Commissioners to take Depositions and Acknowledgments in other States.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Number limited; to hold office three years.

SECT. 1. The governor shall not appoint commissioners exceeding ten in number, in any one city or county, under the provisions of section fifty-three of chapter thirteen of the Revised Statutes; and all such commissioners hereafter appointed shall be commissioned to hold office for the term of three years, unless sooner removed, at the pleasure of the governor.

To be sworn, &c.

SECT. 2. Every commissioner so appointed shall, before the expiration of three months from the date of his appointment, take and subscribe an oath or affirmation before a justice of the peace, or some other magistrate of the city or county where he resides, well and faithfully to execute and perform all the duties of such commissioner, which oath or affirmation shall be forthwith filed in the office of the secretary of this Commonwealth, and every such commissioner shall also, within the time aforesaid, cause to be prepared an official seal, in which shall be designated his name, and the words "Commissioner for Massachusetts," together with the name of the state or territory, and city or county, where he resides, and for which he shall have been appointed, and he shall transmit an impression of such

To file an impression of seal and signature, with secretary.

seal, with his signature, to the office of the secretary of this Commonwealth, and cause the same to be filed therein.

SECT. 3. No commissioner appointed as aforesaid, shall exercise any of the powers conferred upon him by virtue of such appointment, at any place other than the city or county in which he shall reside at the time of his appointment.

SECT. 4. It shall be the duty of the secretary of this Commonwealth to prepare instructions and a set of forms, in conformity with the laws of this Commonwealth, to forward the same, as soon as may be after the passage of this act, together with a copy of this act, to every person who shall be appointed a commissioner as aforesaid, and to all persons who now hold commissions under the aforesaid provisions of the Revised Statutes.

Secretary of
commonwealth
to prepare and
forward in-
structions.

SECT. 5. The provisions of this act shall apply to all persons now holding commissions from the governor of this Commonwealth, under the provisions of the Revised Statutes aforesaid, and the authority of all said commissioners heretofore appointed, shall cease and be revoked at the end of three years from the passage of this act; and such commissioners shall comply with the provisions of this act within three months from the day of its passage. [Approved by the Governor, February 10, 1854.]

This act shall
apply, &c.

An Act to incorporate the Norfolk Mills.

Chap. 18.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. Martin, Eliphalet Baker, William Coughlen, their associates and successors, are hereby made a corporation, by the name of the Norfolk Mills, for the purpose of manufacturing woollen, cotton, linen, and silk goods, or any of them, in the city of Roxbury, in the county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

Powers, duties,
&c.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of three hundred thousand dollars.

Real estate,
\$100,000,
whole capital,
\$300,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid

No shares to
be issued un-
der par.

in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 10, 1854.*]

Chap. 19.

An Act to incorporate the Nantucket Gas Light Company.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Justin Lawrence, Charles B. Swain and Nathaniel A. Sprague, their associates and successors, are hereby made a corporation, by the name of the Nantucket Gas Light Company, for the purpose of making and selling gas in the town of Nantucket; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities, &c.

Capital,
\$50,000,
real estate,
\$25,000.

SECT. 2. The capital stock of said company shall not exceed fifty thousand dollars; and said corporation may hold real estate, not exceeding in value twenty-five thousand dollars.

Shares not to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

May open the
ground, lay
pipes, &c.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Nantucket, shall have power and authority to open the ground, in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink, for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same into repair, under penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being shall, at all times, have power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said town.

Provided.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 16, 1854.*]

An Act in addition to an Act to incorporate the Eagle Fire Insurance Company. *Chap. 20.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. On receiving from the subscribers thereto a guarantee capital of one hundred thousand dollars, which shall be paid within two years from the passage of this act, the Eagle Fire Insurance Company, established at Boston, may make insurance against fire and against maritime losses, otherwise than on the mutual principle ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to insurance companies.

Guarantee capital of \$100,000.

May insure against fire and maritime losses. Duties, &c.

SECT. 2. Said company may increase its guarantee capital to an amount not exceeding two hundred thousand dollars, at any time within three years from the passage of this act ; and may hold real estate, not exceeding in value forty thousand dollars, excepting such as may be taken for debt, or held as collateral security, for money due to said company. [*Approved by the Governor, February 16, 1854.*]

May increase guarantee capital, and hold real estate excepting, &c.

An Act to incorporate the Salisbury and Amesbury Gas Light Company. *Chap. 21.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Babson, David French, and David Batchelder, their associates and successors, are hereby made a corporation, by the name of the Salisbury and Amesbury Gas Light Company, for the purpose of manufacturing and selling gas in the towns of Salisbury and Amesbury, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Duties, liabilities, &c.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed sixty thousand dollars.

Real estate, \$20,000, capital, \$60,000.

SECT. 3. Said corporation, with the consent of the selectmen of the towns of Salisbury and Amesbury, shall have the power and authority to open the grounds in any part of the streets, lanes and highways in said towns, for the pur-

May open the ground, lay pipes, &c.

pose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the grounds in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of the said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said towns.

Provided.

Shares not to be issued under par.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued. [*Approved by the Governor, February 16, 1854.*]

Chap. 22. An Act to incorporate the Atlas Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Asahel Huntington, Benjamin F. Brown, Otis P. Lord, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Atlas Fire and Marine Insurance Company, to be established in the city of Salem, for the purpose of making insurance against losses by fire, and against maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now, or may hereafter be, in force relative to insurance companies.

Purpose.

Powers, duties, liabilities, &c.

Capital stock \$50,000,

May increase to \$300,000, real estate not to exceed \$20,000.

Subject to act of 1851, ch. 281.

SECT. 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the same to any amount not exceeding three hundred thousand dollars; and may hold real estate, for its use, not exceeding twenty thousand dollars.

SECT. 3. Said company may do business in accordance with the provisions of the two hundred and eighty-first chapter of the acts of the year one thousand eight hundred and fifty-one; and shall possess the power of determining, by its by-laws, the manner of making and apportioning dividends to its members and stockholders.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 16, 1854.*]

An Act relating to the Transportation of Baggage on Railroads. *Chap. 23.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

It shall be the duty of all railroad corporations in this Commonwealth to give checks, when requested to do so, to passengers, for the baggage of such passengers when delivered for transportation, and such baggage shall be delivered to such passengers upon the surrender of such checks; and any such corporation refusing to comply with the requirements of this Act, shall forfeit the sum of ten dollars for each offence. [*Approved by the Governor, February 18, 1854.*]

Checks for baggage to be given.

An Act concerning the Adoption of Children, and the Change of Name of Persons. *Chap. 24.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

When any inhabitant of this Commonwealth shall petition the judge of probate for leave to adopt a child, not his or her own, by birth, according to the provisions of the three hundred and twenty-fourth chapter of the acts passed in the year eighteen hundred and fifty-one, the person so petitioning, may, at the same time, apply for a change of name of such child, according to the provisions of the two hundred and fifty-sixth chapter of the acts of the year eighteen hundred and fifty-one; and if the judge of probate shall decree that such adoption shall take effect, he may pass the decree changing the name of such child, and grant the certificate provided for in said two hundred and fifty-sixth chapter of the acts passed in the year eighteen hundred and fifty-one, without requiring public notice to be given of such application, or of the change decreed. [*Approved by the Governor, February 20, 1854.*]

Judge of probate may grant certificates, &c

An Act to incorporate the Metropolitan Hotel Company.

Chap. 25. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ralph W. Holman, Samuel S. Pierce, and Eben Cutler, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Metropolitan Hotel Company, for the purpose of erecting a hotel in the city of Boston, and maintaining such public house, and the buildings and improvements connected therewith; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel-keeping.

SECT. 2. The whole amount of capital stock which said corporation may hold for the purposes aforesaid shall not exceed one million dollars in value: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall not take effect until five hundred thousand dollars of the capital stock shall have been subscribed by responsible parties, and the sum of one hundred thousand dollars shall have been paid into the treasury of said company. [*Approved by the Governor, February 21, 1854.*]

Chap. 26. An Act to incorporate the Boston Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin B. Mussey, Thomas Thacher, James G. Hovey, of Boston, in the county of Suffolk, their associates and successors, are hereby made a corporation, by the name of the Boston Mutual Fire Insurance Company, to be established in Boston, aforesaid, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property, on the mutual principle; with all the privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes,

and in the seventeenth chapter of the acts passed in the year one thousand eight hundred and forty-five, and in all other general laws of the Commonwealth relating to such corporations. [*Approved by the Governor, February 21, 1854.*]

An Act to authorize the Suffolk Savings Bank for Seamen and others, to hold Real Estate. *Chap. 27.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Suffolk Savings Bank for Seamen and others is hereby authorized to hold real estate to the amount of seventy-five thousand dollars: *provided, however*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for the banking purposes of said corporation. May hold real estate. Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 22, 1854.*]

An Act to change the name of the Neck Village Baptist Society, of Charlestown, and for other purposes. *Chap. 28.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The corporate name of the Neck Village Baptist Society, in Charlestown, is hereby changed; and said society shall, hereafter, be called and known, by the name of the Perkins Street Baptist Society in Somerville; and the conveyance of a parcel of land, situated in Somerville, made to said society, by Daniel Tufts, on the first day of October, in the year eighteen hundred and fifty-three, is hereby confirmed to said society under its new name. Name changed. Conveyance of land confirmed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 22, 1854.*]

An Act to change the Name and increase the Capital Stock of the Cape Cod Branch Railroad Company. *Chap. 29.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The corporation established by the name of the Cape Cod Branch Railroad Company shall hereafter be Name changed

known by the name of the Cape Cod Railroad Company, and by that name it may sue and be sued, and its rights and obligations shall remain the same as if its name had not been changed.

May increase
its capital
\$60,000.

No shares to
be issued un-
der par.

SECT. 2. Said corporation is hereby authorized to increase its capital stock by the sum of sixty thousand dollars, to be divided into shares of sixty dollars each, and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 22, 1854.*]

Chap. 30. An Act to increase the capital stock of the Suffolk County Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital,
\$100,000.
Invest in real
and personal
estate.

Proviso.

The Suffolk County Mills are hereby authorized to increase their capital, by adding thereto a sum not exceeding one hundred thousand dollars; and to invest such portion thereof in real and personal estate, as may be necessary and convenient for the purposes for which they were incorporated: *provided, however*, that no shares in the capital stock, hereby authorized, shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares, in the original capital stock of said corporation. [*Approved by the Governor, February 24, 1854.*]

Chap. 31. An Act in addition to an Act to incorporate the Mystic River Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location.

SECT. 1. The Mystic River Railroad are hereby empowered, in addition to the authority given them by the act to establish said corporation, to locate, construct, and maintain their railroad, from some convenient point on the Boston and Maine Railroad, between the crossings of said Boston and Maine Railroad, by the Eastern Railroad, south of Cambridge Street, and Prison Point Bridge in Charlestown; thence north-easterly by a curved and straight line across Main Street, northerly of the junction of Medford and Bunker Hill Streets with said Main Street, and

southerly of the main part of Johnson's Wharf, to the land or flats of George W. Gerrish and others, described in the original Act of May twenty-fifth, eighteen hundred and fifty-three, to which this is in addition: *provided, however,* Proviso. no engine-house shall be located north-easterly of Main Street, by said corporation, without the approval of the mayor and aldermen of the city of Charlestown; and *provided, also,* Provided, also. that the rate of speed of the engines and cars on said railroad, in crossing the streets of Charlestown, may at any time be regulated by the mayor and aldermen of said city of Charlestown; and *provided, further,* Provided, further. that all the grants herein contained, are on the same conditions as are provided in section second of the Act to incorporate the Mystic River Railroad, being chapter four hundred and fifteen of the acts of the year one thousand eight hundred and fifty-three.

SECT. 2. The location of the part of said railroad authorized by this act shall be filed within two years, and the same shall be completed within three years from the passage of this act. *[Approved by the Governor, February 24, 1854.]* Filing of location, and completion.

An Act to extend the time for locating and constructing the Amherst and Belchertown Railroad. *Chap. 32.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The times allowed to the Amherst and Belchertown Railroad Company, for locating and constructing its railroad, are hereby respectively extended two years beyond the periods now fixed by law, for the locating and constructing thereof. *[Approved by the Governor, February 24, 1854.]* Time extended

An Act to incorporate the Taunton Iron Works Company.

Chap. 33.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William L. Hathaway, Thomas R. Drake, and H. B. Wetherell, their associates and successors, are hereby made a corporation, by the name of the Taunton Iron Works Company, for the purpose of making and manufacturing iron, and other articles of which iron is a material, in the town of Taunton, in the county of Bristol, with all Corporators. Purpose.

Duties, liabilities, &c. the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$80,000 ; whole capital, \$250,000. SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of eighty thousand dollars, and the whole capital stock shall not exceed the sum of two hundred and fifty thousand dollars.

No shares to be issued under par. SECT. 3. No shares in the capital stock of said corporation, shall be issued for a less sum in amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, February 24, 1854.*]

Chap. 34.

An Act to establish a Police Court in the Town of Haverhill.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Court established. SECT. 1. A Police Court is hereby established in the town of Haverhill, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Power, duty, &c. SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences, and misdemeanors, committed within said town of Haverhill, whereof justices of the peace now have or may have jurisdiction; also, of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace in the county of Essex, whenever all the parties shall reside in Haverhill, and service of the writ is had on the defendant in said county.

Jurisdiction. The said court shall have original and concurrent jurisdiction, with justices of the peace in said county of Essex, over all crimes, offences, and misdemeanors, whereof justices of the peace within the county of Essex, now have, or may have, jurisdiction; also, of all suits and actions within the jurisdiction of any justice of the peace within the county of Essex.

Appeal allowed. SECT. 3. An appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel to any party in any cause which may be pending in said court.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace.

Fines, costs, &c., how disposed of.

All costs in such prosecutions, not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

SECT. 5. The justice of said court shall retain to his own use, all fees by him received, or which now accrue to justices of the peace, in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this Act: *provided*, that he shall not retain for his services in criminal prosecutions, a sum exceeding three hundred dollars annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions over and above that sum.

Compensation of justice.

SECT. 6. A court shall be held by said justice, at some suitable place in said town of Haverhill, to be provided at the expense of said town, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and, on two several days in each month, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court, as justices of the peace may now adjourn the same hearings, or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform transaction of the business thereof.

Court how often to be held.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of said town of Haverhill, a true and faithful statement of moneys actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

Shall keep a fair record and make return.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability, of the

One special justice.

- standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.
- Compensation.
- Pending suits. SECT. 9. All suits, actions and prosecutions, which shall be pending within the said town of Haverhill, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.
- Appointment of justices. SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice, at any time after the passage of this act.
- Act to be accepted by the town. SECT. 11. This act shall not take effect until it has been accepted by a vote of the inhabitants of said town, in town meeting legally notified for that purpose. [*Approved by the Governor, February 25, 1854.*]

Chap. 35.

An Act to incorporate the Marblehead Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. George Wilson, John Conway, Jr., Gardner Warren, their associates and successors, are hereby made a corporation, by the name of the Marblehead Gas Light Company, for the purpose of manufacturing and selling gas in the town of Marblehead, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Duties, liabilities, &c. SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value twenty-five thousand dollars; and the whole capital stock shall not exceed fifty thousand dollars.
- Real estate, \$25,000; whole capital, \$50,000. SECT. 3. Said corporation, with the consent of the selectmen of the town of Marblehead, shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair,
- May open the ground, lay pipes, &c.

under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of the said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town.

Proviso.

SECT. 4. No shares in the capital stock of the said corporation shall be issued, for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall first be issued. [*Approved by the Governor, February 25, 1854.*]

No shares to be issued under par.

An Act to increase the Capital Stock of the E. Carver Company.

Chap. 36.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The E. Carver Company is hereby authorized and empowered to increase its capital stock, by adding thereto one hundred and thirty thousand dollars, and to invest such portion thereof in real estate, to an amount not exceeding thirty thousand dollars, as may be necessary and convenient to carry on the business for which said company was incorporated: *provided, however*, that no shares, in said capital stock, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. [*Approved by the Governor, February 25, 1854.*]

Additional capital, \$130,000.

To invest \$30,000 in real estate.

Proviso.

An Act to unite the Grand Junction Railroad and Depot Company and the Union Railroad Company.

Chap. 37.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That the Grand Junction Railroad and Depot Company and the Union Railroad Company are hereby constituted and made one corporation, by the name of The Grand Junction Railroad and Depot Company; and all the franchises, property, powers and privileges, now enjoyed by, and all the restrictions, liabilities and obligations imposed upon, said two corporations, by virtue of their respective charters, shall appertain to said united corporation, in the same manner as if the same had been contained in or acquired under an original charter, and all contracts and conveyances heretofore made by either of said two

Railroads united.

Former contracts confirmed.

corporations, are hereby confirmed and made valid and binding upon the corporation hereby constituted.

Time extended SECT. 2. The time allowed for completing the Union Railroad, is hereby extended to the first day of June, in the year one thousand eight hundred and fifty-five.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 25, 1854.*]

Chap. 38.

An Act to Incorporate the Boston Stove Foundry Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Thomas Coggeshall, George B. Hood, and Asa Dean, their associates and successors, are hereby made a corporation, by the name of the Boston Stove Foundry Company, for the purpose of manufacturing stove castings from iron, in the town of Somerset and county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose. SECT. 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock of said company shall not exceed one hundred thousand dollars.

Real estate, \$50,000 ; capital, \$100,000. SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 25, 1854.*]

Chap. 39.

An Act concerning the Election of City, Town and County Officers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain officers how elected. SECT. 1. In all elections, hereafter holden, for the choice of town, city or county officers, by the people, the person receiving the highest number of votes, shall be declared elected.

SECT. 2. Whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

SECT. 3. All acts and parts of acts, inconsistent herewith, are hereby repealed. Inconsistent acts repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1854.*]

An Act to authorize the Provident Institution for Savings in the town of Boston, to hold Real Estate. Chap. 40.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Provident Institution for Savings, in the town of Boston, is hereby authorized to hold real estate, to the amount of one hundred thousand dollars: *provided, however,* that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation. To hold real estate to amount of \$100,000. Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1854.*]

An Act to incorporate the Athol Reservoir Company.

Chap. 41.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Lyman W. Hapgood, Theodore Jones, Abraham Oaks, their associates and successors, are hereby made a corporation by the name of the Athol Reservoir Company, for the purpose of constructing, supporting, and occupying a reservoir of water, by the means of dams in the towns of Athol and Phillipston, in the county of Worcester, for the supply of mills situated on the stream below said reservoir, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of Revised Statutes. Corporators. Purpose. Duties, liabilities, &c.

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of five thousand dollars, and the whole amount of the capital stock of said company shall not exceed ten thousand dollars. Real estate, \$5,000; capital, \$10,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. No shares to be issued under par.

Compensation
for damages,
how obtained.

SECT. 4. Any person whose land is overflowed or otherwise injured by such dam, may obtain compensation therefor in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes, and in the several acts in addition to and amendment thereof.

Liability of
stockholders.

SECT. 5. The stockholders of the Athol Reservoir Company shall be jointly and severally, individually, liable for all damages that may result to any and all persons in consequence of the construction of said reservoir, to the same extent that individuals would be in like cases. [*Approved by the Governor, February 27, 1854.*]

Chap. 42.

An Act to incorporate the Amherst Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

In Amherst.

Itthamar Conkey, John S. Adams, and William Kellogg, Jr., their associates and successors, are hereby made a corporation, by the name of the Amherst Savings Bank, to be established and located in the town of Amherst, in the county of Hampshire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. [*Approved by the Governor, February 27, 1854.*]

Duties, liabilities,
&c.

Chap. 43.

An Act to incorporate the Malden and Melrose Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Henry S. Downs, George Odiorne, James Eaton, and Otis Tufts, their associates and successors, are hereby made a corporation, by the name of the Malden and Melrose Gas Light Company, for the purpose of making and selling gas, in the towns of Malden and Melrose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities,
&c.

Capital,
\$250,000;
real estate,
\$100,000.

SECT. 2. The capital stock of said company shall not exceed the sum of two hundred and fifty thousand dollars; and said corporation may hold real estate, not exceeding in value one hundred thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to be issued under par.

SECT. 4. Said corporation, with the consent of the selectmen of the towns of Malden and Melrose, respectively, shall have power and authority to open the ground, in any part of the streets, lanes and highways of said towns, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purposes aforesaid; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that the selectmen of said towns, respectively, for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of the said towns, respectively.

May open the ground, lay pipes, &c.

Proviso.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1854.*]

An Act to incorporate the Newton and Watertown Gas Light Company. *Chap. 44.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph W. Stone, Francis Edmond, and Moses M. Rice, their associates and successors, are hereby made a corporation, by the name of the Newton and Watertown Gas Light Company, for the purpose of making and selling gas, in the towns of Newton and Watertown; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Duties, liabilities, &c.

SECT. 2. The capital stock of said corporation shall not exceed three hundred thousand dollars; and the said corporation may hold real estate not exceeding in value one hundred thousand dollars.

Capital,
\$300,000;
real estate,
\$100,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to be issued under par.

SECT. 4. Said corporation, with the consent of the selectmen of the said towns of Newton and Watertown, or

May open the ground, lay pipes, &c.

Proviso.

either of them, shall have power and authority to open the ground in any part of the streets, lanes or highways, in said towns, for which the right may be granted, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that the said selectmen for either of said towns, for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said towns.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1854.*]

Chap. 45. An Act relating to the State Reform School and the State Board of Agriculture.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lands for state
board of agri-
culture.

SECT. 1. The trustees of the State Reform School are hereby authorized to place under the charge of the State Board of Agriculture, the whole or any part of the lands at Westborough, owned by the Commonwealth, except such portion thereof as may be required for the use of the school, for any term not exceeding ten years, and upon such conditions as may be agreed upon by the two Boards; and the State Board of Agriculture is hereby authorized to take charge of and manage said lands as fully as the said trustees are now authorized by law to do.

Appropriation.

SECT. 2. For the purpose of permanent improvements upon said lands and of agricultural experiments thereon, and to defray the ordinary expenses of the same for the current year, said Board may, by its secretary, and as the same may be required, draw upon the treasurer of the Commonwealth, for a sum not exceeding in the aggregate six thousand dollars, to be paid from such funds as may be in the treasury; and the governor is hereby authorized to draw his warrant upon the treasurer for the sum of six thousand dollars, to remain in the treasury, subject to the drafts above provided for.

Governor to
draw warrant.

SECT. 3. The Board of Agriculture shall, in the annual report required by law, make a full report of all sums expended upon said farm for each year that it may be under their charge, and of all their doings in relation to said premises, and the results thereof.

Board of agriculture to report annually.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1854.*]

An Act to extend the time for the construction of the Eastern Railroad. *Chap. 46.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time allowed to the Eastern Railroad Company, by the three hundred and sixth chapter of the acts passed in the year one thousand eight hundred and fifty-two, to extend and construct its railroad, is hereby extended to the first day of January, in the year one thousand eight hundred and fifty-five. [*Approved by the Governor, February 27, 1854.*]

Time for construction extended.

An Act to incorporate the Boston Wesleyan Association.

Chap. 47.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jacob Sleeper, Thomas Patten, Benjamin H. Barnes, their associates and successors, not exceeding at any one time twenty in number, are hereby made a corporation by the name of the Boston Wesleyan Association, for the purpose of printing and publishing a newspaper in Boston, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

Corporators.

Purpose.

SECT. 2. The said corporation may hold real and personal property necessary for conducting said business, not exceeding twenty thousand dollars in value, and all profits which shall accrue from said business over and above said capital sum necessary for conducting the same, the said corporation shall annually divide and appropriate among the several annual conferences of the Methodist Episcopal Church in New England, for the benefit of the superannuated and necessitous ministers of the same, their wives, widows and orphans, in such proportions as said corporation shall deem equitable.

Real and personal property not to exceed \$20,000.

Profits how appropriated.

First meeting
how called.

SECT. 3. Any two of the persons named in the first section of this act, may call the first meeting of said corporation, by publishing a notice of the time and place of meeting, in *Zion's Herald*, a newspaper published in Boston, one week, at least, prior thereto.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1854.*]

Chap. 48. An Act concerning the Commercial Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Insure against
loss by fire.

The Commercial Mutual Marine Insurance Company, in the city of Boston, in addition to its present powers and privileges, may make insurance on the mutual principle, against losses by fire; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies. [*Approved by the Governor, February 28, 1854.*]

Chap. 49. An Act to increase the Capital Stock of the Malden Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital,
\$300,000.
How invested.

SECT. 1. The Malden Manufacturing Company are hereby authorized to increase their capital stock, by adding thereto three hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for carrying on the business for which said company was incorporated.

No shares to
be issued un-
der par.

SECT. 2. No stock, issued under this act, shall be issued for a less sum than the par value of the original shares. [*Approved by the Governor, February 28, 1854.*]

Chap. 50. An Act to incorporate the American Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James F. Whittemore, William C. Wright, Rufus A. Putnam, Jr., their associates and successors, are

hereby made a corporation, by the name of the American Manufacturing Company, for the purpose of manufacturing machinery, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate, not exceeding in value seventy-five thousand dollars; and the whole capital stock of said company shall not exceed three hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1854.*]

An Act in addition to an Act entitled "An Act to incorporate the Proprietors of Sargent's Wharf, in Boston," passed April ninth, A. D. eighteen hundred and thirty-six, and the Act in addition thereto. *Chap. 51.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of Sargent's Wharf, in Boston, are hereby authorized to increase their capital stock to five hundred thousand dollars.

SECT. 2. The said corporation is authorized to issue new shares, for the amount of its entire stock, the par value thereof to be one hundred dollars each, and to be divided amongst the present shareholders on surrender of their certificates, in proportion to the number of shares now held by each shareholder. [*Approved by the Governor, February 28, 1854.*]

An Act to incorporate the Dudley Street Baptist Society in Roxbury. *Chap. 52.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Eben Jones, Samuel Walker, and Paul Sears, Junior, their associates and successors, and proprietors of pews in the Dudley Street Baptist Meeting-House in Roxbury, in the county of Norfolk, are hereby made a corporation by the name of the Dudley Street Baptist Society in

Powers, duties, &c. Roxbury; with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth; with power to hold real and personal estate to the amount of seventy-five thousand dollars: *provided, however*, the same be appropriated exclusively to parochial purposes.

Real and personal estate, \$75,000. DEACONS TO CONVEY MEETING-HOUSE, &c. SECT. 2. The deacons of the Dudley Street Baptist Church in Roxbury, formerly the Calvinistic Baptist Church, are hereby authorized and empowered to convey to the said Dudley Street Baptist Society the meeting-house in Roxbury, aforesaid, and all the other real estate held by said deacons for said church: *provided, however*, the said church shall assent to and direct the said conveyance.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 3, 1854.*]

Chap. 53. An Act to incorporate the North Brookfield Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators. Amasa Walker, G. B. Deming, Edmund Smith, their associates and successors, are hereby made a corporation, by the name of the North Brookfield Savings Bank, to be established and located in the town of North Brookfield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, March 3, 1854.*]

Powers, duties, &c.

Chap. 54. An Act to incorporate the Chebacco Branch Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators. SECT. 1. Ezra Perkins, Jr., David Choate, John Choate, their associates and successors, are hereby made a corporation, by the name of the Chebacco Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all general laws which are now or may be hereafter enforced relating to railroad corporations in this Commonwealth.

Powers, duties, &c.

SECT. 2. The said corporation may construct and main- Location.
tain a railroad, commencing at some convenient point in the town of Essex, thence running through the towns of Ipswich, Hamilton, Wenham, and Danvers, or either of said towns, to unite with the Danvers and Georgetown Railroad at some convenient point in Wenham or Danvers, and with authority to cross the Eastern Railroad, and enter upon and use the Danvers and Georgetown Railroad, and the Eastern Railroad, or any portions of them, according to law.

SECT. 3. The capital stock of said corporation shall 900 shares,
consist of nine hundred shares of one hundred dollars each, \$100 each.
and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share; and no share in the capital stock of said corporation shall be No shares to
issued for a less sum or amount, to be actually paid in on be issued under par.
each, than the par value of the shares which shall be first issued; and the said corporation may purchase and hold such real estate, materials, engines and cars, and other things, as may be necessary for depots for the use of the said road, and for the transportation of persons, goods and merchandise.

SECT. 4. The said Chebacco Branch Railroad Company May contract
are hereby authorized to lease their railroad to the Dan- with other cor-
vers and Georgetown Railroad Company, or the Eastern porations.
Railroad Company, for such term of time as may be agreed upon by the parties, or to contract with the said Danvers and Georgetown Railroad Company, or the Eastern Railroad Company, to operate the Chebacco Branch Railroad; and the Chebacco Branch Railroad Company also are hereby May receive
authorized to receive subscriptions to the capital stock of subscriptions.
said company, from the said Danvers and Georgetown Railroad Company, or the Eastern Railroad Company, to an amount not exceeding thirty thousand dollars: *provided*, Proviso.
that the holders of three-fourths of the stock of the company so subscribing, present and represented at a meeting called for that purpose, shall consent to the same.

SECT. 5. If the location of the said railroad be not filed Location and
according to law within one year, and if the said railroad construction.
be not constructed within three years from the passage of this act, this act shall be void.

SECT. 6. The legislature may authorize any company to Used by an-
enter with another railroad upon the said railroad, any other company.
point thereof, and use the same according to law.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, March 3, 1854.]

Chap. 55. An Act to incorporate the Easton Branch Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** SECT. 1. Oliver Ames, Oakes Ames, Howard Lothrop, their associates and successors, are hereby made a corporation, by the name of the Easton Branch Railroad Company,
- Powers, duties, &c.** with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes which have been, or shall be hereafter passed, relating to railroad corporations.
- Location.** SECT. 2. Said company may construct a railroad, from some convenient point on or near the Stoughton Branch Railroad, at or near its terminus in Stoughton, thence in a southerly direction on the westerly side of the Branch Turnpike, so called, to some convenient point in Easton, at or near the village of North Easton.
- May use other roads.** SECT. 3. Said company is hereby authorized to enter upon and unite their railroad, by proper means, with the Stoughton Branch Railroad, at or near the terminus thereof in Stoughton, and also to make use of said Stoughton Branch Railroad, and the Boston and Providence Railroad, according to the provisions of law.
- 1,000 shares.** SECT. 4. The capital stock of this corporation shall consist of not more than one thousand shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the use of said railroad, and for the transportation of passengers, goods, and merchandise.
- \$100 each.**
- Location and completion.** SECT. 5. If the location of the road, as provided for in the second section, be not filed, according to law, within one year, and if said railroad be not completed within three years from the passage of this act, then this act shall be void.
- Tolls, &c.** SECT. 6. The legislature may, from time to time, regulate the rate of tolls, or other receipts, on said road, whenever the net income thereof shall exceed ten per cent. per annum; but the tolls or other receipts shall not, without

the consent of the company, be so reduced as to produce less than ten per cent. per annum on the investment in said company. [*Approved by the Governor, March 3, 1854.*]

An Act to increase the Capital Stock of the East Boston Dry Dock Company. *Chap. 56.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The East Boston Dry Dock Company are hereby authorized to increase their capital stock by an amount not exceeding two hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. Capital stock increased \$200,000. How invested.

SECT. 2. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. No shares to be issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1854.*]

An Act to change the location of the Suffolk Cordage Company. *Chap. 57.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Suffolk Cordage Company is hereby authorized to manufacture rope, twine, and other cordage, in the city of Roxbury; and the acts and doings of said corporation are hereby affirmed and made as valid as if said authority to manufacture, as aforesaid, in said city of Roxbury, were contained in the original act of incorporation of said company. [*Approved by the Governor, March 7, 1854.*] Location changed. Doings made valid.

An Act to incorporate the Revere House Company. *Chap. 58.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :—

SECT. 1. Frederick W. Lincoln, Junior, Pelham Bonney, John H. Thorndike, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Revere House, for the purpose of holding and maintaining a hotel in the city of Boston, and the buildings and Hotel in Boston.

improvements connected therewith; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided, however*, that the said corporation shall not carry on the business of hotel-keeping.

SECT. 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, which they may invest in real and personal estate: *provided, however*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall not go into effect until the sum of two hundred and fifty thousand dollars of the capital stock shall have been subscribed, by responsible parties, and the sum of one hundred and twenty-five thousand dollars paid into the treasury of the said company. [*Approved by the Governor, March 7, 1854.*]

Chap. 59. An Act in addition to an Act concerning the manner of Voting at certain Elections.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All votes and ballots for governor, lieutenant-governor, senators and representatives of the Commonwealth, and representatives in congress, whether deposited in the ballot-box in a sealed envelope or not, shall clearly indicate, in print or writing, the office for which each person voted for is designed, and no vote which does not so indicate it shall be counted: *provided, however*, that in all trials for the choice of representatives to the general court or to congress, when no other officer is voted for, the office need not be indicated, in print or writing.

SECT. 2. All acts and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, March 7, 1854.*]

Chap. 60. An Act to establish a Police Court in the Town of Milford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A police court is hereby established in the town of Milford, in the county of Worcester, to consist of

one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

SECT. 2. The said court shall have original and exclusive ^{Power, duty, &c.} jurisdiction over all crimes, offences and misdemeanors committed within the said town of Milford, whereof justices of the peace now have or may have jurisdiction; also, of all suits and actions which may now or at any time hereafter be heard, tried and determined before any justice of the peace in the county of Worcester, whenever all the parties shall reside in Milford and service of the writ is had on the defendant in said county. The said court shall have original ^{Jurisdiction.} and concurrent jurisdiction with justices of the peace in said county of Worcester, over all crimes, offences and misdemeanors, whereof justices of the peace within the county of Worcester now have or may have jurisdiction; also, of all suits and actions within the jurisdiction of any justice of the peace within the county of Worcester.

SECT. 3. An appeal shall be allowed from all judgments ^{Appeal allowed.} of said police court, in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel to any party, in any cause which may be pending in said court.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions, not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace. ^{Fines, costs, &c., how disposed of.}

SECT. 5. The justice of said court shall retain to his ^{Compensation of justice.} own use all fees by him received, or which may accrue to justices of the peace, in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain for his services, in criminal prosecutions, a sum exceeding three hundred dollars annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions over and above that sum. ^{Fees over \$300 paid to county treasurer.}

SECT. 6. A court shall be held by said justice, at some suitable place in said town of Milford, to be provided at the expense of said court, on two several days of each ^{Court how often to be held.}

week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on two several days in each month, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court, as justices of the peace may now adjourn the same hearings or trials; and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Shall keep a fair record and make return.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the said town of Milford a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

One special justice.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid, for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

Compensation.

Pending suits.

SECT. 9. All suits, actions and prosecutions, which shall be pending within the said town of Milford, before any justice of the peace when this act shall take effect, shall be heard and determined as though this act had not passed.

Appointment of justices.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justices, at any time after receiving notice of the adoption of this act by the town of Milford, as herein-after mentioned.

Act to be accepted by the town.

SECT. 11. This act shall be void unless the inhabitants of the town of Milford, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same, within sixty days from the passage of this act; and it shall be the duty of the selectmen and town clerk of said town of Milford, to certify that fact to his excellency

the governor, if the town should so vote to adopt this act. [Approved by the Governor, March 8, 1854.]

An Act to authorize Israel Brayton to Plant Oysters in Taunton Great River. Chap. 61.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Israel Brayton, of Somerset, in the county of Bristol, his heirs and assigns, are hereby authorized to plant and dig oysters in the waters and flats of Taunton Great River, in front and easterly of said Brayton's land, in said town of Somerset, from high-water mark to the channel of said river. Said Brayton's land is bounded on the south by land of William Wilbur, on the west by the new highway, so called, on the north by land of the heirs of late William Hade, deceased, and on the east by Taunton Great River. To plant and dig oysters. In Somerset.

SECT. 2. Said Brayton, his heirs and assigns, shall have exclusive use of said waters and flats, from high-water mark to the channel of said river, as defined, for the purpose of planting and digging oysters, for the term of twenty years; and if any person shall, within said limits, dig or take any oysters, during said term, without license from said Brayton, his heirs or assigns, he shall forfeit and pay a fine, not exceeding twenty dollars, to be recovered by said Brayton, his heirs or assigns, in any court proper to try the same. Exclusive use. Penalty.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 8, 1854.]

An Act to incorporate the Clinton Gas Light Company.

Chap. 62.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Horatio N. Bigelow, Franklin Forbes, and Henry Kellogg, their associates and successors, are hereby made a corporation, by the name of the Clinton Gas Light Company, for the purpose of manufacturing and selling gas in the town of Clinton; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators. Purpose. Duties, liabilities, &c.

Real estate,
\$30,000;
capital,
\$50,000.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value thirty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars.

May open the
ground, lay
pipes, &c.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Clinton, shall have power and authority to open the ground, in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes, or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall have the power to regulate, restrict and control, the acts and doings of the said corporation, which may affect the health or safety of the inhabitants of said town of Clinton.

Other compa-
nies may take
stock, &c.

SECT. 4. Any manufacturing, machine, or other company, having its place of business in said town, may take and hold stock in said Gas Light Company, not exceeding a sum, the interest of which will pay for all the gas consumed and used for the purpose of lighting the buildings belonging to such company.

No shares to
be issued under
par.

SECT. 5. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1854.*]

Chap. 63.

An Act in relation to Arrests in Actions of Tort.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Plaintiff to
make oath, &c.

No person shall be arrested on mesne process in an action of tort, unless the plaintiff, or some one in his behalf, first makes oath that he believes that the cause of action set forth in the writ, is just and true. [*Approved by the Governor, March 8, 1854.*]

An Act to authorize the Bristol County Savings Bank to hold Real Estate. *Chap. 64.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Bristol County Savings Bank is hereby ^{Amount real estate.} authorized to hold real estate to the amount of fifteen thousand dollars: *provided, however,* that no part of said ^{Proviso.} amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for the banking purposes of said corporation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1854.*]

An Act to authorize the Lowell Institution for Savings to hold Real Estate. *Chap. 65.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Lowell Institution for Savings is hereby ^{Amount real estate.} authorized to hold real estate to the amount of forty thousand dollars: *provided, however,* that no part of said amount ^{Proviso.} shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1854.*]

An Act to incorporate the Boston Chemical Company. *Chap. 66.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Andrew H. Ward, Jr., J. H. Ward, and H. G. ^{Corporators.} Wheelock, their associates and successors, are hereby made a corporation, for the purpose of manufacturing all kinds of ^{Purpose.} chemicals, acids and drugs, in either of the counties of Suffolk or Norfolk, under the name of the Boston Chemical Company; with all the powers and privileges, and subject ^{Powers, duties, &c.} to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate,
\$150,000;
capital,
\$300,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said company shall not exceed three hundred thousand dollars. [Approved by the Governor, March 8, 1854.]

Chap. 67. An Act for the incorporation of the Boston Stone Dressing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Benjamin Perkins, Luther Munn, John G. Webster, their associates and successors, are hereby made a corporation by the name of the Boston Stone Dressing Company, for the purpose of cutting, dressing and polishing stone, by machinery and otherwise, for building and other purposes, in the counties of Suffolk and Norfolk, or either of them; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties,
&c.

Real estate,
\$75,000;
capital,
\$300,000.

SECT. 2. The said corporation, for the purposes aforesaid, may take and hold real estate, to the amount of seventy-five thousand dollars; and their whole capital stock shall not exceed three hundred thousand dollars.

No shares to
be issued under
par.

SECT. 3. No shares shall be issued for a less sum, actually paid in on each share, than the original par value of the shares first issued. [Approved by the Governor, March 8, 1854.]

Chap. 68. An Act to authorize John H. Gregory and his associates to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Marblehead.

John H. Gregory, and his associates, are hereby authorized to build and maintain a wharf in the harbor of Marblehead, to extend from their land, at a place called Red Stone Cove, one hundred and ninety feet, in a southerly direction, from high-water mark in said cove, to the outer ledge situated off the same; with liberty to build an L part, of forty feet in length and fifteen feet in breadth, to extend and run in a south-westerly or westerly direction from the southerly termination of the wharf. Also to lay vessels at

With an L part

the ends and sides of the wharf, and receive dockage and wharfage therefor: *provided*, that this act shall not in any manner impair the legal rights of any person whatever. *[Approved by the Governor, March 8, 1854.]*

Rights, &c.
Proviso.

An Act relating to the Third Congregational Society in Springfield. *Chap. 69.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The trustees of the funds of the Third Congregational Society in Springfield, in addition to the sum already provided for, by an act of the legislature, passed January thirty-first, in the year eighteen hundred and twenty, are hereby authorized to receive, hold, improve, and manage, for said society, any estate, real or personal, the annual income of which shall not exceed the sum of two thousand dollars: *provided, however*, that said income shall be used, by said trustees, exclusively for the support of the ministry, and for other parochial purposes, as the said society shall, from time to time, direct. *[Approved by the Governor, March 8, 1854.]*

Additional real
and personal
estate.

Proviso.

An Act relating to the Election of Representatives in the Congress of the United States. *Chap. 70.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. In all elections hereafter holden for the choice of representatives in the congress of the United States, the person receiving the highest number of votes shall be declared elected, and the governor shall forthwith transmit to such person a certificate of such choice signed by the governor and countersigned by the secretary.

How elected.

SECT. 2. In case two or more persons in any congressional district, shall have an equal and the highest number of votes, no person shall be deemed to be elected, and another election shall be ordered as provided in the sixth chapter of the Revised Statutes.

Another election in certain cases.

SECT. 3. The first section of the fortieth chapter of the acts passed in the year one thousand eight hundred and fifty-one, and all other acts, and parts of acts inconsistent herewith, are hereby repealed. *[Approved by the Governor, March 8, 1854.]*

Inconsistent acts repealed.

Chap. 71. An Act in addition to the Acts incorporating the Boston Asylum and Farm School for Indigent Boys.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Members. **SECT. 1.** In addition to the existing members of the corporation of the Boston Asylum and Farm School for Indigent Boys, the present and future boards of managers shall be and become members, with all the rights of the corporators.

Real and personal estate. **SECT. 2.** Said corporation may take and hold real and personal estate, to an amount in value not exceeding double that authorized by the act of 1835, chapter 28, to which this act is in addition, and upon the same conditions as are therein specified. [*Approved by the Governor, March 9, 1854.*]

Chap. 72. An Act to establish a Police Court in the Town of Blackstone.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police Court established. **SECT. 1.** A police court is hereby established in the town of Blackstone, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Powers, duties, &c. **SECT. 2.** The said court shall have original and exclusive jurisdiction over all crimes, offences, and misdemeanors, committed within said town of Blackstone, whereof justices of the peace now have, or may have jurisdiction; also, of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace in the county of Worcester, whenever all the parties shall reside in Blackstone, and service of the writ is had on the defendant in said county.

The said court shall have original and concurrent jurisdiction, with justices of the peace in said county of Worcester, over all crimes, offences, and misdemeanors, whereof justices of the peace within the county of Worcester, now have, or may have, jurisdiction; also, of all suits and actions within the jurisdiction of any justice of the peace within the county of Worcester.

Appeal allowed. **SECT. 3.** An appeal shall be allowed from all judgments of said police court, in like manner, and to the same ex-

tent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel to any party in any cause which may be pending in said court.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace.

Fines, costs, &c., how disposed of.

All costs in such prosecutions, not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

SECT. 5. The justice of said court shall retain to his own use, all fees by him received, or which now accrue to justices of the peace, in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain for his services in criminal prosecutions, a sum exceeding three hundred dollars annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions over and above that sum.

What fees court may retain.

Fees over \$300 paid to county treasurer.

SECT. 6. A court shall be held by said justice, at some suitable place in said town of Blackstone, to be provided at the expense of said town, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and on two several days in each month, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court, as justices of the peace may now adjourn the same hearings, or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

When to be held.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the said town of Blackstone, a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

Records, returns, &c.

Special justice. SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

How paid.

Pending actions. SECT. 9. All suits, actions and prosecutions, which shall be pending within the said town of Blackstone, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Justices, when appointed. SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice, at any time after receiving notice of the adoption of this act by the town of Blackstone, as herein-after mentioned.

Void unless accepted by written vote. SECT. 11. This act shall be void, unless the inhabitants of the town of Blackstone, at a legal town meeting, called for that purpose, shall, by a written vote, determine to adopt the same, within sixty days from the passage of this act. And it shall be the duty of the selectmen and town clerk of said town of Blackstone, to certify that fact to his excellency, the governor, if the town should so vote to adopt this act. [*Approved by the Governor, March 11, 1854.*]

Chap. 73.

An Act to incorporate the Winthrop House Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Samuel S. Pierce, Seth W. Fowle, Samuel S. Perkins, their associates and successors, are hereby made a corporation, by the name of the Winthrop House Company ; for the purpose of owning, holding, improving and maintaining the public house called the Winthrop House, situated at the corner of Tremont and Boylston Streets, in Boston, in said Commonwealth, and the buildings and appurtenances thereto belonging ; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chap-

Privileges, liabilities, &c.

ter of the Revised Statutes of this Commonwealth: *pro-Provido.*
vided, however, that said company shall not engage in the
 business of hotel-keeping.

SECT. 2. The capital stock of said corporation shall not ^{Capital,}
 exceed five hundred thousand dollars, which they may invest ^{\$500,000.}
 in real and personal property, necessary and convenient for
 the purpose aforesaid: *provided, however,* that no shares in ^{No shares to}
 the capital stock of said corporation shall be issued for a ^{be issued un-}
 less sum or amount, to be actually paid in on each, than the ^{der par.}
 par value of the shares which shall be first issued. [*Ap-*
proved by the Governor, March 11, 1854.]

An Act in relation to the Division of Water Rights.

Chap. 74.

Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :

SECT. 1. All persons who are interested as joint ten- ^{Water rights,}
 ants, tenants in common or otherwise, in any mill privilege, ^{&c.}
 water right, or other incorporeal hereditament, in this Com-
 monwealth, may be compelled to divide the same, either by ^{Division, &c.}
 bill in equity, in the supreme judicial court, or in the man-
 ner provided for the division of land, by the statutes of this
 Commonwealth; in which latter case, [the commissioners
 appointed to make partition shall set forth, in their return,
 the best method of setting off to the several parties their
 respective shares or interests, and thereupon the said Court
 may require the several parties interested, or either of
 them, to perform such acts as justice and equity may require,
 and may make all such orders and decrees, in the premises,
 according to the course of proceedings in chancery, as may
 be necessary to do justice between the parties.

SECT. 2. This act shall take effect from and after its
 passage. [*Approved by the Governor, March 11, 1854.*]

An Act to incorporate the Chelsea Brick Manufacturing Company.

Chap. 75.

Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :

SECT. 1. George B. Parrott, William W. Bullock, Levi ^{Corporators.}
 Wilkins, their associates and successors, are hereby made a
 corporation by the name of the Chelsea Brick Manufac-
 turing Company, for the purpose of manufacturing brick, in
 the town of Chelsea, in the county of Suffolk; with all the

Powers, duties, &c. powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$100,000 ; capital, \$300,000. SECT. 2. The said corporation may hold real estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

No shares to be issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 11, 1854.*]

Chap. 76. An Act in addition to an Act to incorporate the Lowell Traders' and Mechanics' Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Guarantee capital. SECT. 1. On receiving from the subscribers thereto a guarantee capital of fifty thousand dollars, which shall be paid in within two years from the passage of this act, the Lowell Traders' and Mechanics' Mutual Fire Insurance Company may make insurance against fire and against maritime losses, otherwise than on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to insurance companies.

Insure against fire and maritime losses. Duties, liabilities, &c.

Increase guarantee capital. SECT. 2. Said company may increase its guarantee capital, to an amount not exceeding one hundred thousand dollars, at any time within three years from the passage of this act.

Partial repeal. SECT. 3. So much of the act, to which this is in addition, as may be construed to require property hereafter insured by said company to be divided into separate classes, is hereby repealed. But no existing contract, for insurance with said company, shall be affected by said repeal.

Existing contracts not affected.

Name changed SECT. 4. Said company shall hereafter be called and known by the name of the Traders' and Mechanics' Insurance Company. [*Approved by the Governor, March 11, 1854.*]

An Act concerning County Commissioners.

Chap. 77.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The county commissioners now in office in the several counties, except in Suffolk and Nantucket, shall be divided into three classes: those of the first class shall hold their offices until the day of the next annual election of governor, and until successors shall be chosen and qualified in their stead, and no longer; those of the second class shall hold their offices until the day of the annual election of governor, in the year one thousand eight hundred and fifty-five, and until successors shall be chosen and qualified in their stead, and no longer; those of the third class shall hold their offices until the day of the annual election of governor, in the year one thousand eight hundred and fifty-six, and until successors shall be chosen and qualified in their stead.

Three classes.
1st class.

2d class.

3d class.

Term of office.

SECT. 2. It shall be the duty of the county commissioners in each of said counties, within sixty days after this act shall take effect, to determine, by lot, to which one of the said classes each member of their board shall belong; they shall cause a record to be made of such determination, and shall, within thirty days after such determination, cause an attested copy of said record to be published once, in each newspaper printed in said county.

Classes determined by lot.

SECT. 3. At the next annual election of governor, and at such annual election in each year thereafter, in each of the counties except Suffolk and Nantucket, there shall be one county commissioner chosen in the manner prescribed in the fourteenth chapter of the Revised Statutes, for the election of county commissioners, except so far as such manner is changed by this act; such commissioner not to be an inhabitant of the same town as either of the commissioners remaining in office, and every commissioner so chosen shall hold his office for the term of three years, and until a successor is chosen and qualified in his stead.

One to be chosen annually.

SECT. 4. The county commissioners in each county shall hereafter choose a chairman of their board, by ballot, annually, at their first meeting after the annual election.

Chairman chosen by ballot.

SECT. 5. The special commissioners, now in office, shall hold their offices until the annual election of governor, in the year one thousand eight hundred and fifty-six, and until successors shall be chosen and qualified in their places.

Special commissioners.

How elected.

SECT. 6. At the annual election, in the year one thousand eight hundred and fifty-six, and each third year thereafter, in each of the counties except Suffolk and Nantucket, there shall be two special commissioners elected, in the manner provided in this act, for the election of county commissioners, said special commissioners not to be inhabitants of the same town, or of the same town as either of the county commissioners, excepting in the county of Dukes, and such special commissioners shall hold their offices for

Term of office.

the term of three years, and until successors shall be chosen and qualified in their places.

Elections, how decided.

SECT. 7. In all elections of county commissioners and special commissioners, the person having the highest number of votes, and being otherwise qualified, shall be declared to be elected; but, in case two or more persons shall have an equal number of votes, by reason of which neither of such persons shall be elected, another election shall be ordered, in the manner provided by the fourteenth chapter of the Revised Statutes.

Inconsistent acts repealed.

SECT. 8. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 11, 1854.*]

Chap. 78.

An Act to incorporate the Franklin Locomotive Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Jonathan Amory, Thomas A. Dexter, and William P. Parrott, their associates and successors, are hereby made a corporation by the name of the Franklin

Purpose.

Locomotive Company, for the purpose of manufacturing locomotive engines, steam-boilers, furnaces, and other machinery, in the city of Boston; with power to hold any patents in relation thereto; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, privileges, &c.

Capital,
\$300,000;
real estate,
\$50,000.

SECT. 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and the corporation may hold real estate not exceeding fifty thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1854.*]

An Act to incorporate the Warren Cotton Mills.

Chap. 79.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Jacob B. Merrick, John S. Wright, and Ephraim P. Whitman, their associates and successors, are hereby made a corporation, by the name of the Warren Cotton Mills, for the purpose of manufacturing cotton and woollen goods and machinery, in the town of Warren, in the county of Worcester; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers, privileges, &c.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate, not exceeding the amount of one hundred and fifty thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of three hundred thousand dollars.

Real estate, \$150,000; capital, \$300,000.

SECT. 3. No share in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. [*Approved by the Governor, March 15, 1854.*]

No shares to be issued under par.

An Act to change the Name of the Bethesda Baptist Society.

Chap. 80.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Bethesda Baptist Society, in the city of Charlestown, shall hereafter be called and known as the Bunker Hill Baptist Society. [*Approved by the Governor, March 15, 1854.*]

An Act to establish the Salary of the Clerk in the Office of the Adjutant and Quartermaster-General of the Commonwealth.

Chap. 81.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. From and after the first day of January, in the year one thousand eight hundred and fifty-four, the clerk in

Salary fixed.

the office of the adjutant and quartermaster-general of the Commonwealth shall receive a salary of one thousand dollars a year, to be paid quarterly, which said sum shall be in full for all services rendered in said office.

Inconsistent
acts repealed.

SECT. 2. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 15, 1854.*]

Chap. 82.

An Act to incorporate the Lyman Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Augustus H. Fiske, Mark Healey, Richard S. Fay and Thomas Hopkinson, their associates and assigns,

Purpose.

are hereby made a corporation, by the name of the Lyman Mills, for the purpose of manufacturing, printing, dyeing, bleaching and finishing cotton, woollen, linen or silk goods, at Holyoke, in the county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, privi-
leges, &c.

Hold real and
personal estate

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two millions of dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation, shall be issued for a less sum or amount, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]

Chap. 83. An Act to authorize the Nantucket Institution for Savings to hold Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real
estate.

Proviso.

SECT. 1. The Nantucket Institution for Savings is hereby authorized to hold real estate, to the amount of five thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]

An Act to incorporate the Middlesex South Agricultural Society. *Chap. 84.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Buckminster, James W. Clark, Nathan Stone, their associates and successors, are hereby made a corporation, by the name of the Middlesex South Agricultural Society; for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Framingham, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions of other agricultural societies established in this Commonwealth; and they are hereby authorized to admit members from the towns of Framingham, Ashland, Hopkinton, Holliston, Sherborn, Natick, Newton, Wayland, Sudbury and Marlborough, in the county of Middlesex, and the town of Southborough in the county of Worcester. And said corporation may hold and manage real estate, not exceeding in value fifteen thousand dollars, and personal estate not exceeding the same sum, for the purpose aforesaid.

Corporators.

Purpose.

Location.

Powers, liabilities, &c.

Real and personal estate, \$15,000 each.

SECT. 2. The said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually, out of the treasury of the Commonwealth, such sum as any other agricultural society may receive, under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section seven of that chapter. [*Approved by the Governor, March 16, 1854.*]

Receive same as other agricultural societies, &c.

An Act to incorporate the Franklin Library Association of Cambridge. *Chap. 85.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel C. Smith, John McDuffie, Hamlin Harding, their associates and successors, are hereby made a corporation, by the name of the Franklin Library Association of Cambridge; for the purpose of diffusing and promoting useful knowledge and moral culture among young men; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Purpose.

Duties, liabilities, &c.

SECT. 2. The said corporation may hold real and personal estate, to be used for the purposes aforesaid, to an

Real and personal estate, \$25,000.

amount not exceeding in all, the value of twenty-five thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]

Chap. 86. An Act to incorporate the American Steam Guage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. William P. Newell, H. K. Moore, and S. T. Sanborn, their associates and successors, are hereby made a corporation, by the name of the American Steam Guage Company, for the purpose of manufacturing Steam Guages and Metres.

Purpose. SECT. 2. The said corporation may hold real estate not exceeding in amount, fifty thousand dollars; and the whole capital stock thereof shall not exceed in amount, two hundred and fifty thousand dollars.

Location. SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Powers, duties, &c. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]

Real estate, \$50,000; capital, \$250,000.

No shares to be issued under par.

Chap. 87. An Act in addition to An Act in relation to Public Health.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Change in mode of recovery of fines. All the fines and forfeitures named in section seven of chapter two hundred and eleven of the Statutes of Eighteen Hundred and Forty-nine, may be recovered by complaint in the name of any police officer of any city, as well as in the name of the treasurer thereof. [*Approved by the Governor, March 16, 1854.*]

An Act concerning Truants in the City of Boston.

Chap. 88.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each justice of the police court of the city of Boston, may take jurisdiction of complaints made under "An Act concerning truant children and absentees from school," passed the third day of May, in the year of our Lord eighteen hundred and fifty, against children between the ages of six and fifteen years, as habitual truants, or as children not attending school, without any regular and lawful occupation, growing up in ignorance. Police justices may take jurisdiction, &c.

SECT. 2. All warrants issued upon such complaints shall be made returnable before either of said justices at the place named in the warrant. Warrants returnable.

SECT. 3. Such justice may sentence any child convicted of either of said offences, to be committed for not more than two years to the institution of instruction, house of reformation, or suitable situation assigned or provided under the authority given by said act, or which may hereafter be so assigned or provided; or he may sentence such child to pay the fine, not exceeding twenty dollars, mentioned in the first section of said act, and in default of payment thereof, to stand committed to such institution of instruction, house of reformation, or suitable situation, or to the county jail, as provided in default of payment of other fines. Sentences.

SECT. 4. Any minor so committed, upon proof that he is unable to pay such fine, and has no parent, guardian or person chargeable with his support able to pay the same, may be discharged by either of said justices, whenever he shall see fit. And if such minor is not so discharged, he shall be discharged according to the provisions of the third section of the one hundred and forty-fifth chapter of the Revised Statutes. Minors discharged upon proof, &c.

SECT. 5. The justices shall receive such compensation as shall be fixed by the city council of Boston. Compensation of justices.

SECT. 6. The three hundred and forty-third chapter of the acts passed in the year of our Lord eighteen hundred and fifty-three, is hereby repealed: *provided, however,* that the provisions of this act and all other acts with reference to truant children, shall apply to children between the ages of six and sixteen years, as well as to children between the ages of five and fifteen years. Former act repealed. Proviso.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, March 16, 1854.]

Chap. 89.

An Act to incorporate the Bigelow Carpet Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** **SECT. 1.** Horatio N. Bigelow, Erastus B. Bigelow, and Stephen Fairbanks, their associates and successors, are hereby made a corporation by the name of the Bigelow Carpet Company; for the purpose of manufacturing woollen, linen and woollen, and cotton and woollen fabrics, and machinery and other articles necessary or convenient to be used therefor, and in carrying on the business thereof, in the town of Clinton, in the county of Worcester; and for
- Purpose.** these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Location.** **SECT. 2.** The said corporation may hold, for the purposes aforesaid, real estate not exceeding the value of two hundred thousand dollars. They may hold not exceeding one-half of the stock of the Clinton Gas Light Company, and their whole capital stock shall not exceed five hundred thousand dollars.
- Powers, duties, &c.** **SECT. 3.** No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.
- Real estate, \$200,000.** **SECT. 4.** This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]
- May hold stock in Clinton Gas Light Co.**
- Capital, \$500,000.**
- No shares to be issued under par.**

Chap. 90.

An Act to incorporate the Mumford River Reservoir Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** **SECT. 1.** Paul Whitin, Warren Hunt, and John W. Capron, their associates and successors, are hereby made a corporation, by the name of the Mumford River Reservoir Company, for the purpose of holding, maintaining, managing, and improving a reservoir of water, established by means of a dam erected upon the Mumford River, in the town of Douglas, in the county of Worcester, in order to benefit the mill privileges on the stream below said reservoir; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Purpose.**
- Powers, privileges, &c.**

SECT. 2. Said corporation may, for the purposes afore-
 said, hold real estate to the amount of twenty thousand
 dollars, and the whole amount of the capital of said corpo-
 ration shall not exceed thirty thousand dollars.

Real estate,
 \$20,000;
 capital,
 \$30,000.

SECT. 3. The Douglas Axe Manufacturing Company, and
 the Uxbridge Cotton Mills, are, and each of them is, hereby
 empowered, to take and hold shares in the capital stock of
 the said reservoir corporation, in such amounts as the said
 corporations, or each of them, shall deem proper; and such
 shares, when votes to that effect shall be adopted by said
 companies, respectively, shall become, and forever remain,
 appurtenant to the mill privilege owned by said companies,
 respectively.

Other corpora-
 tions may hold
 stock.

SECT. 4. Each of the said manufacturing corporations,
 may, at all corporate meetings of the corporation hereby
 established, by their respective agents duly appointed for
 such purpose, cast as many votes as such corporation shall
 own shares of the capital stock of the said reservoir cor-
 poration, and the stockholders, officers, or agents of the
 said manufacturing corporations may be eligible, as officers
 of said reservoir corporation.

Corporations
 may vote, &c.

SECT. 5. Any person, whose land is overflowed or oth-
 erwise injured by the water of said reservoir, and who has
 not already received compensation therefor, may obtain
 compensation for the same, in the manner provided in the
 one hundred and sixteenth chapter of the Revised Statutes,
 and in the several acts in addition thereto, and in amend-
 ment thereof.

Compensation
 for damages,
 how obtained.

SECT. 6. The stockholders of the said Reservoir Com-
 pany shall be, jointly and severally, individually liable for
 all damages that may result to any and all persons, in con-
 sequence of the construction of said reservoir, except
 where compensation has already been made therefor, to the
 same extent that individuals would be in like cases.

Liability of
 stockholders.

SECT. 7. No shares in the capital stock of said corpo-
 ration shall be issued, for a less sum or amount, to be ac-
 tually paid in on each, than the par value of the shares
 which shall be first issued.

No shares to
 be issued un-
 der par.

SECT. 8. This act shall take effect from and after its
 passage. [*Approved by the Governor, March 16, 1854.*]

Chap. 91. An Act to incorporate the Young Men's Library Association of Taunton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** **SECT. 1.** George B. Atwood, George A. Crocker, and Edmund H. Bennett, their associates and successors, are hereby made a corporation, by the name of the Young Men's Library Association of Taunton, for the purpose of instituting and maintaining a library and reading-room, advancing useful arts and sciences, and promoting public instruction, by lectures, or otherwise; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.
- Purpose.** **SECT. 2.** The said corporation may hold real and personal estate, to be used for the purposes aforesaid, not exceeding, in all, the value of fifty thousand dollars, the legal title of which shall be vested in five trustees, to be appointed by a majority of the members of the corporation.
- Powers, duties, &c.** **SECT. 3.** All investments of the funds of the corporation in real estate, or in any securities drawing interest, shall be made by the said trustees, and be subject to their control and disposal; but no sale or transfer of the library shall be made, unless the same shall be authorized by a vote of the corporation.
- Real and personal estate not to exceed \$50,000.** **SECT. 4.** All male inhabitants of Taunton, above the age of fourteen years, shall be eligible as members of the corporation, and entitled to vote and to act as officers thereof, excepting, that no person under twenty-one years of age shall be a trustee.
- How vested.** **SECT. 5.** This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]
- Investment of funds, &c.**
- Members and trustees.**

Chap. 92. An Act relating to Notices of Meetings of Commissioners upon the Insolvent Estates of Deceased Persons.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Seven days' notice of meetings, &c.** That all commissioners appointed by the judges of probate upon the insolvent estates of deceased persons, shall give to all known creditors of said deceased persons, written notice, by mail or otherwise, of all meetings held by them for the examination and proof of claims due from said

estates, seven days, at least, before the time of holding said meetings; and that the executors or administrators upon all said estates, shall furnish said commissioners with a list of all creditors, with their places of residence, so far as the same may be known to them, fourteen days, at least, before the first meeting of said commissioners. *[Approved by the Governor, March 16, 1854.]*

List of creditors.

An Act in relation to delivering Intoxicating Liquors to Persons in Custody. *Chap. 93.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The provisions contained in section thirty-seven of chapter one hundred and forty-three of the Revised Statutes, shall apply to every person who shall give or deliver any intoxicating liquor to any person confined in any jail, house of correction, or prison, or to any person in custody of any sheriff, constable, police officer, jailer, master of house of correction, or warden of prison, in the Commonwealth, unless under the direction of the physician appointed to attend upon such prisoners. *[Approved by the Governor, March 16, 1854.]*

Ch. 143, sec. 37, R. S. to apply, &c.

An Act in addition to the Act to incorporate the Metropolitan Railroad Company. *Chap. 94.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That at any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the cities of Boston and Roxbury, respectively, may, by vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective cities, that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote or order of said mayor and aldermen: *provided*, that such taking up and removal shall be at the expense of said railroad company.

Track may be discontinued.

Proviso.

SECT. 2. The rates of fare upon the said railroad, be—*Fare.*

tween any two points in the city of Boston, shall never exceed five cents for each passage, unless with the assent of the mayor and aldermen of said city.

Notice given to abutters.

SECT. 3. Notice to abutters on streets, in which it may be proposed to lay the tracks of said corporation, shall be given by the publication in one or more newspapers, published in the cities of Boston and Roxbury, of an order of notice from the mayor and aldermen of said respective cities, fourteen days, at least, prior to the location of any such tracks.

Boston and Roxbury may purchase, &c.

SECT. 4. Either of the cities of Boston or Roxbury, if it so elect, may purchase, on the same terms and conditions as are mentioned in the seventh section of the act to which this is in addition, that part of the corporate property of the company which relates to or lies within its own limits; paying therefor a proportional sum, to be ascertained by commissioners to be appointed by the supreme judicial court.

Act to be void, unless, &c.

SECT. 5. This act shall be void and of no effect, unless the same shall be accepted by the city council of the cities of Boston and Roxbury, respectively, within one year from the date hereof. [*Approved by the Governor, March 16, 1854.*]

Chap. 95. An Act in addition to an Act entitled, "An Act in addition to an Act to provide for the Confinement of Idiots and Insane Persons."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lunatics, &c., removed by order of governor

SECT. 1. Any lunatic or insane person, confined in any jail or house of correction, by authority of a certificate of the trustees of the State Lunatic Hospital, according to the provisions of the fifteenth section of the forty-eighth chapter of the Revised Statutes, or by any other legal authority, may be removed therefrom to either of the lunatic hospitals, or to any other jail, house of correction, or other suitable place, by order of the governor, whenever it shall be made to appear to him that such removal would be expedient and just.

Sheriff to execute such order

SECT. 2. In any such case, it shall be the duty of the sheriff of the county in which is the jail or house of correction from which the removal is to be made, to execute such order of the governor, and to convey such insane person to the jail, house of correction or hospital, mentioned in said order.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1854.*]

An Act to establish a Fire Department in the Town of Northampton. *Chap. 96.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A fire department is hereby established in the town of Northampton, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. Duties, liabilities, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1854.*]

An Act in addition to "An Act relating to the State Library." *Chap. 97.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The salary of the assistant librarian and the clerk of the secretary of the Board of Education, in addition to his present salary, shall receive the sum of one hundred dollars, to be paid in quarterly payments out of the treasury of the Commonwealth, the said payments to commence on the first day of April, eighteen hundred and fifty-four. [*Approved by the Governor, March 17, 1854.*] Additional salary.

An Act to incorporate the Suffolk Iron Works.

Chap. 98.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John D. Richardson, Josiah Dunham, Jr., J. Avery Richards, their associates and successors, are hereby made a corporation, by the name of the Suffolk Iron Works, for the purpose of manufacturing castings and machinery, in the city of Boston; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of Revised Statutes. Corporators.
Purpose.
Powers, duties, &c.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, Hold real and personal estate

not exceeding in amount two hundred and twenty thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1854.*]

Chap. 99. An Act to incorporate the New England Gas Regulator Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Elisha B. Pratt, John M. Mayo, and Frederick Nickerson, their associates and successors, are hereby made a corporation by the name of the New England Gas Regulator Manufacturing Company, for the purpose of manufacturing and selling gas regulators in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties,
&c.

Real estate,
\$50,000 ;
capital,
\$150,000.

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value fifty thousand dollars ; and the whole capital stock thereof shall not exceed one hundred and fifty thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1854.*]

Chap. 100 An Act concerning the Middleborough and Taunton Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended

That the time fixed by the original act incorporating the Middleborough and Taunton Railroad Company, for the construction of said railroad, is hereby extended for one year, from the first day of September, eighteen hundred and fifty-four. [*Approved by the Governor, March 17, 1854.*]

An Act to authorize Jerome G. Kidder to extend his Wharf.

Chap. 101

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jerome G. Kidder, proprietor of a wharf and flats situated on Marginal Street, in the town of Chelsea, on lots numbered eleven, twelve, and thirteen, on a plan made by J. H. Shearer, in eighteen hundred and forty-six, of the lands of the Winnisimmet Company, is hereby authorized to extend and maintain his wharf into the harbor channel of Chelsea Creek, as far as the line established by the act entitled "An Act to preserve that part of the harbor of Boston called Chelsea Creek, and to prevent encroachments thereon," passed on the second day of May, in the year one thousand eight hundred and forty-nine; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: and *provided, also,* that so much of said wharf, as may be constructed below low-water mark, shall be built on piles; which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction; and that this act shall, in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 18, 1854.]

May extend wharf.

Rights, &c.
Proviso.

Provided, also.

An Act authorizing Henry F. Pitman to build a Wharf.

Chap. 102

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :—

Henry F. Pitman is hereby authorized to build and maintain a wharf, from his land, known as the ship-yard, on the north-west side of the harbor of Marblehead, and to extend the same two hundred feet into the harbor; and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this act shall in no wise affect the private rights of any person or persons whatever. [Approved by the Governor, March 18, 1854.]

Wharf in Marblehead.

Rights, &c.
Proviso.

Chap. 103 An Act in addition to An Act to incorporate the Proprietors of India Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Shares held as personal property.

Proviso.

SECT. 1. The shares of the individual proprietors in the corporate property of the "Proprietors of India Wharf," shall hereafter be personal property, and shall be held, transferred and disposed of as such: *provided*, the said Proprietors of India Wharf shall, at a meeting duly held, accept this act, and *provided, also*, that all the present shareholders shall, by deeds duly executed, with release of dower when necessary, convey to the said corporation the shares by them respectively held.

Certificates of shares issued.

SECT. 2. Upon such conveyances being made, the said corporation shall, by vote, divide their corporate property into such a number of shares as they may think expedient, and shall issue to each proprietor a certificate of so many shares as shall be equal to his interest in the corporate property conveyed by him to the said corporation, as aforesaid. The said corporation may, by their by-laws, prescribe the form of such certificate, and the mode of transfer thereof.

Trustees, &c., convey shares.

SECT. 3. In case any of the present shares in the said corporate property are now held by trustees, executors, or guardians, such trustees, executors and guardians, are hereby authorized to convey the same to the said corporation, and in lieu thereof to receive certificates of so many of the new shares as shall be equal to their respective interests:

Proviso.

provided, however, that the new shares so received, shall be taken and held by them respectively upon the same trusts and for the same uses and purposes, and subject to the same limitations, as their present shares are now holden: and *provided, also*, that such trustees, executors, and guardians, shall give sufficient bond to the judge of probate for the county in which they shall respectively have been appointed, or in case their appointment shall have been by deed, to the judge of probate for the county in which they shall respectively reside, to hold and account for the said shares, and the proceeds thereof, according to the terms of their respective trusts. But such bond may be in any case dispensed with, *provided*, the same shall not be required by the terms of the deed or will creating such trust: and *provided, also*, that all the parties beneficially interested in the

trust fund shall so request in writing, and shall cause such request, with the approval of the judge of probate thereon, to be filed in the probate office for the county in which such bond would otherwise be given.

SECT. 4. In case any of the present shares in the said corporate property are now held by any married woman, in her own right, the new shares issued to such married woman shall also be held by her, in her own right, in the same manner as married women are authorized to hold property for their own use, according to the provisions of the statute of eighteen hundred and forty-five, chapter two hundred and eight; and the same shall appear in the certificate issued for such shares. Married women to hold shares in their own right.

SECT. 5. The taxes on the real estate owned by the said corporation, shall be assessed to the said corporation; and in assessing the individual proprietors for their shares, there shall first be deducted from the value thereof, the value of such real estate. Taxes assessed

SECT. 6. So much of the act, passed March third, eighteen hundred and eight, as provides that the shares of the individual proprietors in the corporate property of the said proprietors, shall be real estate, and be subject to the incidents of real estate; and so much of the said act as is inconsistent with the provisions of this act, is hereby repealed. Inconsistent acts repealed. [Approved by the Governor, March 20, 1854.]

An Act in addition to An Act to incorporate the Brookline Gas Light Company. *Chap. 104*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Brookline Gas Light Company are hereby authorized to increase their capital stock, to an amount not exceeding three hundred thousand dollars; and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. Capital increased.

SECT. 2. Said corporation are hereby authorized to extend their pipes within the limits of the town of Brighton, and the cities of Boston and Roxbury, and to sell gas on the line of such extension. May extend pipes, &c.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. No shares to be issued under par.

SECT. 4. Said corporation, with the consent of the se- May open the

ground, lay
pipes, &c.

lectmen of the town of Brookline, and of the mayor and aldermen of the cities of Boston and Roxbury, respectively, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said town and cities, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said company, after opening the ground in said streets, lanes, and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, and mayor and aldermen, for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of said company, which may in any manner affect the health, safety, or convenience of the inhabitants of said town and cities.

Proviso.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1854.*]

Chap. 105

An Act to incorporate the Nahant Steam-boat Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Francis S. Newhall, Paran Stevens, Ezra Baker, their associates and successors, are hereby made a corporation, by the name of the Nahant Steam-boat Company, for the purpose of owning and running a steam-boat or steam-boats, for the convenience of the public travel, and the transportation of merchandise, between Boston and Nahant, and from either of said places to other places in Massachusetts Bay; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties,
&c.

Capital stock,
\$75,000.

No shares to
be issued under
par.

SECT. 2. The capital stock of said corporation shall not exceed the sum of seventy-five thousand dollars: *provided*, no shares in said corporation shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued; and all debts of said corporation, shall be paid, before the stockholders shall receive any dividend. [*Approved by the Governor, March 20, 1854.*]

An Act to authorize the New Bedford Institution for Savings to hold *Chap. 106*
Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The New Bedford Institution for Savings is hereby authorized to hold real estate, to the amount of twenty-five thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation. Real estate,
\$25,000.
Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1854.*]

An Act to incorporate the Bay State Wharf Company. *Chap. 107*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Barnabas Hammett, Eben H. Balch, Daniel A. Baldwin, their associates and successors, are hereby made a corporation, by the name of the Bay State Wharf Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Powers, duties,
&c.

SECT. 2. Said corporation may purchase and hold the whole, or any part, of certain land and flats, in that part of the city of Boston, called South Boston, within the following limits, to wit: between the premises of the Boston Wharf Company, which bound said land and flats on the south-easterly side, and the premises of the Old Colony Railroad Company's Wharf, bounding it on the westerly side; bounding on First Street, on the southerly side, two hundred and twenty-four feet, with all the rights, privileges and appurtenances thereto belonging; and said corporation may build and maintain a wharf, within said limits, and lay vessels thereat, and receive dockage therefor, and may excavate docks, and may construct warehouses, stores, and sheds upon the land above-mentioned, and maintain and lease the same. May purchase
land and flats.

May build
wharf, &c.

SECT. 3. Nothing herein contained, shall authorize said corporation to erect any structure below the commissioners' line, established by chapter two hundred and twenty-nine of No structure
below commis-
sioners' line.

the acts of eighteen hundred and thirty-seven, chapter thirty-five of the acts of eighteen hundred and forty, and by other acts in addition to the same, which the owners of said land and flats may not, legally do, at the time of the passage hereof, or to fill up any flats which said owners may not now fill up.

3,000 shares,
\$100 each.

SECT. 4. The capital stock of said corporation, shall consist of three thousand shares, of one hundred dollars each.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1854.*]

Chap. 108 An Act authorizing the Town of Amesbury to sell and convey a Town-way and Landing.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Sell town land.

SECT. 1. That the town of Amesbury be, and hereby is, authorized to sell and convey a certain ancient town landing, containing about three-quarters of an acre of land, situated in Amesbury, on Powow River, near the falls, bounded southerly by land of the Salisbury Manufacturing Company, easterly by Powow River, northerly by land of said Salisbury Manufacturing Company, and westerly by a passage-way leading to the main road.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1854.*]

Chap. 109

An Act to incorporate the American Hardware Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Homer Foot, Philos B. Tyler, their associates and successors, are hereby made a corporation, by the name of the American Hardware Company, for the purpose of manufacturing furniture, castors, and other hardware, in the city of Springfield, in the county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties,
&c.

Real estate,
\$50,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, necessary and convenient for carrying on the business of said company, not exceeding in amount

fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars. Capital,
\$150,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less amount than the par value of the shares which may be first issued. No shares to
be issued un-
der par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1854.*]

An Act to authorize Epes Merchant and his associates to build a Wharf. Chap. 110

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Epes Merchant and his associates are hereby authorized to build and maintain a wharf, extending one hundred and fifty feet from a bank wall which incloses the upland at Leighton's Hill, at the head of the harbor, in the town of Gloucester, to be called Merchant's Wharf; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not interfere with the legal rights of any person. [*Approved by the Governor, March 21, 1854.*]

Wharf in
Gloucester.

Rights, &c.
Proviso.

An Act to incorporate the New Bedford, Vineyard and Nantucket Steam-boat Company. Chap. 111

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Mandell, David R. Greene, Joseph Grinnell, their associates, successors and assigns, are hereby made a corporation, by the name of the New Bedford, Vineyard and Nantucket Steam-boat Company, for the purpose of running steam-boats and sailing vessels, for the convenience of the public travel and the transportation of merchandise, between New Bedford and Nantucket, and between New Bedford and other ports and places, and for the towing of ships and vessels; with all the rights and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.

Purpose.

SECT. 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid; but the capital stock of said company shall not exceed one hundred and fifty thousand dollars. Capital,
\$150,000.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued; and the par value is hereby fixed at one hundred dollars for each share. [*Approved by the Governor, March 21, 1854.*]

Chap. 112 An Act to authorize Daniel D. Kelly and William Kelly to extend their Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend
wharf.

Daniel D. Kelly and William Kelly, proprietors of a wharf and flats, in that part of Boston called East Boston, and bounded on Marginal Street, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: and *pro-
vided, further*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction, and that this act shall in nowise impair the legal rights of any person whatever. [*Approved by the Governor, March 21, 1854.*]

Rights, &c.

Proviso.

Provided, fur-
ther.

Chap. 113 An Act to incorporate the Maverick Oil Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Samuel W. Hawes, D. S. King, D. S. Greenough, their associates and successors, are hereby made a corporation by the name of the Maverick Oil Company, for the purpose of manufacturing oil in that part of Boston

Purpose.

called East Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal property, necessary and convenient for the purposes aforesaid to an amount not exceeding two hundred and fifty thousand dollars. Real and personal property, \$250,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1854.*]

An Act to authorize A. W. Fernald, B. L. Fernald, and Amasa Nickerson, Jr., to build a Wharf. Chap. 114

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A. W. Fernald, B. L. Fernald, and Amasa Nickerson, Jr., proprietors of land and flats in that part of Boston called East Boston, and bounded on Border Street, are hereby authorized to build and maintain a wharf, upon and from their said premises, into Boston Harbor, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf, as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction: and *provided, also*, that this act shall in nowise impair the legal rights of any person or persons whatever. [*Approved by the Governor, March 22, 1854.*]

Wharf in East Boston.

Proviso.

An Act to authorize Salma E. Gould to extend his Wharf.

Chap. 115

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salma E. Gould, proprietor of a wharf and flats, situated on Border Street, in that part of Boston called East Bos- Wharf in East Boston.

Proviso.

ton, and lying between and adjoining the land and flats of A. and G. Fernald, and the Sullivan heirs, is hereby authorized to build, extend and maintain his said wharf into the channel, as far as the line established by an act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty: *provided*, that so much of the said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction; and that this act shall in nowise affect the legal rights of any person or corporation. [*Approved by the Governor, March 22, 1854.*]

Chap. 116 An Act in further addition to an Act to incorporate the People's Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
real estate.

The People's Mutual Fire Insurance Company, established at Worcester, is hereby authorized to hold real estate, not exceeding in value twenty-five thousand dollars, exclusive of such as may be taken for debt, or held as collateral security for money due said company, in addition to the real estate which said company is allowed to hold, by an act passed April twenty-third, eighteen hundred and fifty; and may invest a part of its guarantee capital in the purchase of said real estate. [*Approved by the Governor, March 22, 1854.*]

Chap. 117 An Act to incorporate the Greenfield Stock and Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Wendell T. Davis, Ira Abercrombie, William Keith, their associates and successors, are hereby made a corporation, by the name of the Greenfield Stock and Mutual Fire Insurance Company, for the term of twenty-eight years, for the purpose of insuring dwelling-houses, and other buildings, and personal property, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-

Duration.

Purpose.

Powers, duties,
&c.

seventh and forty-fourth chapters of the Revised Statutes: *provided, however*, that no policy shall be issued by the company until property to the amount of one hundred thousand dollars is subscribed to be insured. Proviso.

SECT. 2. Said company, after its organization, may open books of subscription for a guarantee capital of fifty thousand dollars, with leave to increase the same to the sum of one hundred thousand dollars, which shall be paid in within three years from the passage of this act; and whenever said sum of fifty thousand dollars shall be subscribed, as aforesaid, said corporation may insure and issue policies, otherwise than upon the mutual principle. Said guarantee capital shall be divided into shares, by said corporation, and shall be entitled to receive a semi-annual dividend, not exceeding four per centum; and said corporation may invest its funds in any manner insurance companies or savings banks are, or may be, authorized to do. Guarantee capital increased.
Funds, how invested.

SECT. 3. At the annual meeting next after the time of issuing policies upon the stock principle, and at such succeeding annual meeting, said corporation may cause an examination to be made of any surplus or profits accruing and remaining from the receipts or income of business done upon the stock principle, and if, after providing for all outstanding risks, losses, interest on guarantee capital, incidental expenses and other liabilities, chargeable to that portion of the business done upon the stock principle, there shall remain any surplus or profits, the same may be set aside, as a reserve fund, to be applied to the redemption of the guarantee capital. And whenever, after the expiration of ten years from the commencement of business upon the stock principle, there shall be a sufficient amount of reserved fund to redeem the whole or a part of said guarantee capital, and the corporation shall vote to redeem it, the same shall be redeemed: *provided, however*, that it shall not be redeemed in less amounts, at one time, than twenty-five per cent. of the capital existing at the time of such redemption. Profits, how appropriated.
Proviso.
[Approved by the Governor, March 22, 1854.]

An Act to authorize Christopher Lufkin to build a Wharf.

Chap. 118

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Christopher Lufkin is hereby authorized to build and maintain a wharf, extending one hundred feet from a bank Wharf in Gloucester.

Rights, &c.

wall which encloses his upland at Rowe's Bank, at the head of the harbor, in the town of Gloucester, to be called Lufkin's Wharf; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not interfere with the legal rights of any person. [*Approved by the Governor, March 22, 1854.*]

Chap. 119

An Act to incorporate the Merchants' Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Francis Brinley, Samuel Nicolson, Joseph West, their associates and successors, are hereby made a corporation, by the name of the Merchants' Manufacturing Company, in the county of Suffolk, for the purpose of manufacturing machinery and articles composed in part or whole of iron or other materials, and using, improving, working or disposing of the same; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, &c.

Real estate,
\$130,000;
capital,
\$350,000.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred and thirty thousand dollars; and the whole capital stock thereof shall not exceed three hundred and fifty thousand dollars.

No shares to
be issued under
par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1854.*]

Chap. 120 An Act in addition to an Act to incorporate the Hadley Falls Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital divided

The Hadley Falls Company are hereby authorized to divide their capital stock into shares of one hundred dollars each. [*Approved by the Governor, March 22, 1854.*]

An Act to authorize the Second Parish in Dorchester to sell Ministerial *Chap. 121*
or Parsonage Land.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Second Parish in Dorchester, is hereby May sell parsonage lands.
authorized to sell at public or private sale, at such time or times as it may direct, all the ministerial or parsonage lands belonging to said parish, and situated in the town of Milton, in the county of Norfolk; and the treasurer of said Treasurer to execute deeds.
parish, for the time being, shall have authority to execute and deliver deeds to convey the same in fee simple, or otherwise.

SECT. 2. The proceeds of the sale of said lands shall Proceeds, how invested.
be permanently invested in such manner as said parish shall direct, and the income arising therefrom shall be applied exclusively to the support of the ministry in said parish.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1854.*]

An Act in addition to an Act to incorporate the Proprietors of the Upper *Chap. 122*
Locks and Canals on Connecticut River, in the County of Hampshire.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That the proprietors of the Upper Locks and Maintain and use dams, &c.
Canals on Connecticut River, in the county of Hampshire, may maintain and use their dams, locks and canals, or any portion thereof, and may construct other dams, locks and canals, connected therewith, for the purpose of creating a water-power, to use or lease to other persons or corporations, for mechanical or manufacturing purposes. And for the purposes aforesaid, the said corporation shall have all Powers, duties, &c.
the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes; but this Not to impair legal rights.
grant shall in nowise impair the legal rights of any stockholder in said company.

SECT. 2. The said corporation are hereby relieved from Relieved from obligation, &c.
the obligation to support their locks, dams and canals, for the purposes of navigation, and that their said canal may be discontinued as a navigable highway.

Parts of acts
repealed.

SECT. 3. Such parts of the acts, to which this is in addition, as are incompatible with the provisions of this act, are hereby repealed.

When to take
effect.

SECT. 4. This act shall not take effect until it shall be accepted by a majority of stockholders, present and voting at a legal meeting called for that purpose, and until a copy of such vote, attested by the clerk of the corporation, shall have been filed with the secretary of the Commonwealth. [*Approved by the Governor, March 23, 1854.*]

Chap. 123

An Act to incorporate the Waltham Improvement Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Edward Howard, James Brown, William H. Keith, their associates, successors, and assigns, are hereby made a corporation by the name of the Waltham Improvement Company, in the town of Waltham, for the purpose of establishing the manufacture of watches, and the finer articles of brass, steel and iron; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May hold real
estate.

SECT. 2. Said corporation shall have power to purchase, hold and possess, in fee simple or otherwise, a certain tract or parcel of real estate in Waltham, described in a deed of Sarah W. Bemis and others, to Jonathan W. Bemis, and recorded with Middlesex deeds, book six hundred and twenty-nine, page four hundred and forty-seven; also, another tract described in a deed of Paul Adams to George Lawton, recorded with Middlesex deeds, book four hundred and three, page four

May sell, lease
or mortgage.

hundred and thirty-two, and said corporation shall have power to grant, sell, and convey, in fee simple, or otherwise, the said property, or any part thereof, and to lease, mortgage, improve, or otherwise manage the same, in such manner as may be deemed most for the interest of said corporation, and by such forms of conveyance and contract as the by-laws of the company shall provide; and the capital stock of said corporation, both real and personal property, shall not exceed the sum of three hundred thousand dollars.

Capital,
\$300,000.

300 shares,
\$1,000 each.

SECT. 3. The stock and property of said corporation shall be divided into shares not exceeding three hundred in number, and shall not be liable to assessments exceeding the sum of one thousand dollars on each share; and no cer-

tificate of shares shall be issued by said corporation, on which a less sum shall be paid than the par value of the shares first issued. No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1854.*]

An Act to authorize the Proprietors of the New Bedford and Fairhaven Ferry to transfer their Charter to the Fairhaven Branch Railroad Company. Chap. 124

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of the New Bedford and Fairhaven Ferry are hereby authorized and empowered to transfer the charter of said corporation, subject to all the liabilities, and with all the privileges thereby created, to the Fairhaven Branch Railroad Company: *provided*, the said proprietors shall so determine to do at a legal meeting of the stockholders of said corporation, duly called for that purpose: and *provided, also*, the said railroad corporation shall agree to accept the said transfer upon the terms herein prescribed. May transfer charter.
Proviso.

SECT. 2. The said transfer may be made by deed duly executed by the proprietors of said ferry company in favor of said railroad company, which deed shall be recorded in the books of said railroad company, and said deed shall vest in said railroad corporation all the rights and powers conferred by the charter of said ferry company, and the said railroad corporation shall be held to perform all and singular the duties prescribed thereby. Mode of transfer.

SECT. 3. From and after the execution and delivery of said deed, the name of the said ferry company shall be changed, and the said corporation shall afterwards exist and be known by the name of the Fairhaven Branch Railroad Company. Name changed

SECT. 4. The said corporation shall not be required to hold separate meetings as a ferry company, but all acts needful and proper to be done shall be done at regular or special meetings of the railroad corporation, or by the directors thereof, and all expenses incident to the management of said ferry, and all profits arising therefrom, shall be borne by, and shall accrue to, said railroad corporation. Meetings, &c.
[*Approved by the Governor, March 24, 1854.*]

Chap. 125 An Act to authorize the County Commissioners of Franklin County to Borrow Money, and do other acts in reference to building a New Jail.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May borrow money.

SECT. 1. The county commissioners for the county of Franklin, are hereby authorized and empowered to borrow, on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding twenty thousand dollars, the same to be expended by the said commissioners, or their successors in office, in providing a suitable jail and house of correction for said county.

Removal of prisoners.

SECT. 2. When the county commissioners for the county of Franklin shall deem it necessary to remove any prisoners, who may be committed to or confined in the house of correction or jail in said county, to a place of greater security, it shall be lawful for the sheriff of said county, or his deputy, and he is hereby authorized to remove upon the order of said commissioners, all such prisoners, as well those confined for debt, as for any other cause, to the house of correction or jail in Northampton, in the county of Hampshire; and the keeper or keepers of said jail and house of correction, is and are hereby authorized to receive and detain in his or their custody all such prisoners so removed, and shall have the same powers, and shall perform the same duties in respect to such prisoners, as if they had been originally committed in said county of Hampshire; and all the rights and privileges of debtors and creditors interested in such commitments shall remain the same, as if such debtors had continued in jail in Franklin County. And it is hereby made the duty of the proper magistrates and officers of the county of Hampshire to administer all oaths, and perform all services necessary for securing to all prisoners removed under the provisions of this act, the same benefits and privileges that they would have been entitled to, had they remained in confinement in Franklin County:

Proviso.

provided, however, the consent of the county commissioners of the county of Hampshire, thus to use and occupy the said jail and house of correction in Northampton, be first had: *provided, also,* that all expenses occasioned by the operation of this section, shall be paid by the county of Franklin.

SECT. 3. This act shall continue and be in force until the county commissioners for the county of Franklin shall decide that the jail and house of correction in said county are sufficient for the safe keeping of all such prisoners as may be committed to them. Act to continue in force.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1854.*]

An Act to authorize Richard Shackford and George Shackford to build a Wharf. *Chap. 126*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Richard Shackford and George Shackford, proprietors of land and flats in that part of Boston called East Boston, Wharf in East Boston. bounding on Border Street, are hereby authorized to build and maintain a wharf upon and from their said premises into Boston harbor, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or lands of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to said commissioners' line: and *provided, further,* that so much of said wharf, as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction, and that this act shall in nowise impair the legal rights of any person whatever. Rights, &c. Proviso. Legal rights not impaired. [*Approved by the Governor, March 24, 1854.*]

An Act in further addition to An Act authorizing the erection of a Second Hospital for the Insane. *Chap. 127*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The sum of twelve thousand dollars, in addition to the sum granted by the act of April twenty-seven, one thousand eight hundred and fifty-three, chapter one hundred and ninety-five, is hereby appropriated for the purpose Additional appropriation.

of completing the State Lunatic Hospital, at Taunton, and preparing the same for the reception of patients; said sum to be expended under the direction of the trustees of said hospital.

Necessary supplies.

SECT. 2. The sum of ten thousand dollars is hereby appropriated, to furnish the institution with the supplies necessary for its support, until the expense of the same shall be defrayed from other sources, as provided by law.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1854.*]

Chap. 128 An Act to authorize Charles Smith to build a Wharf and Marine Railway in the Harbor of Holmes' Hole.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf, &c., at Holmes' Hole.

Charles Smith is hereby authorized to build and maintain a wharf and a marine railway, from his land adjoining Holmes' Hole Harbor, into fifteen feet of water, at low tide; and not to extend more than five hundred feet, into said harbor, beyond low-water mark; and shall have the right to lay vessels at said wharf, and take vessels on said railway, and receive wharfage, dockage and toll therefor: *provided*, that this grant shall, in nowise impair the legal rights of any person whatever. [*Approved by the Governor, March 24, 1854.*]

Rights, &c.

Proviso.

Chap. 129 An Act in addition to An Act to establish a Police Court in the town of Milford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Town to provide room for police court.

SECT. 1. The town of Milford shall provide, at its own expense, a suitable place for the holding of the Police Court in said town, any thing in the sixth section of the act establishing said court to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1854.*]

An Act to incorporate the Proprietors of the Emery House in Springfield. *Chap. 130*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Albert Morgan, Philos B. Tyler and E. D. Corporators. Beach, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Emery House, in Springfield; for the purpose of erecting a hotel, or boarding house, in the city of Springfield, and maintaining the same, and the buildings and appurtenances, connected therewith; and, for those purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and limitations, set forth in the forty-fourth chapter of the Revised Statutes. Purpose.
Privileges,
liabilities, &c.

SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, shall not exceed one hundred thousand dollars. Real and personal estate.

SECT. 3. When any stockholder, in this corporation, shall transfer his stock in this corporation, a certificate of such transfer shall forthwith be deposited with the city clerk of the city of Springfield, who shall note the time when the same was deposited, and record the certificate at full length, on the record book of the city; and no transfer of such stock shall be valid, as against the creditors of such stockholder, until such certificate shall have been deposited and recorded as aforesaid. Stock, how transferred.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1854.*]

An Act establishing the Salaries of Certain Public Officers.

Chap. 131

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The several public officers herein named, shall receive for their services an annual salary, as specified, that is to say: The Secretary of the Commonwealth, the sum of two thousand dollars; the Treasurer and Receiver-General of the Commonwealth, the sum of two thousand dollars; the Auditor, the sum of two thousand dollars; the First Clerk in the treasurer's office, the sum of thirteen hundred dollars; the Second Clerk in the treasurer's office, the sum of twelve hundred dollars; the Clerk in the auditor's office, the sum of twelve hundred dollars; the Sergeant-at-Arms, Salaries established.

the sum of thirteen hundred dollars, and the rent of the house occupied by him.

Clerks.

SECT. 2. The secretary, treasurer, and auditor of the Commonwealth are authorized to employ, from time to time, such clerical assistance in addition to their permanent clerks, as may be necessary for the despatch of the public business; and the annual salaries paid to the clerks so employed shall not exceed one thousand dollars for any one person.

Paid quarterly.

SECT. 3. The said salaries shall be paid in quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July, and October, in every year, and in the same proportion for any part of a quarter.

Inconsistent acts repealed.

SECT. 4. All laws inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. The salaries aforesaid shall be computed and paid from and after the first day of January last.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1854.*]

Chap. 132

An Act to incorporate the Mechanics' Steam Mills Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. James Alley, John Chapman, Benjamin Scribner, Jr., their associates and successors, are hereby made a corporation, by the name of the Mechanics' Steam Mills Company, for the purpose of manufacturing and dealing in lumber, making and selling shoe and other boxes, and furnishing and letting steam-power for manufacturing and mechanical purposes, in the city of Lynn; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, &c.

Real estate, \$20,000; capital, \$50,000.

SECT. 2. Said corporation may hold real estate, not exceeding twenty thousand dollars in value; and the whole capital stock thereof shall not exceed the sum of fifty thousand dollars.

No shares to be issued under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, March 25, 1854.*]

An Act to unite the Old Colony and the Fall River Railroads. *Chap. 133*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Old Colony Railroad Corporation and the Fall River Railroad Company are hereby authorized, at such times and on such terms as may be mutually agreed upon and approved by a majority of the votes of the stockholders of each of said corporations, at meetings regularly warned for the purpose, to unite and form one corporation, to be called the Old Colony and Fall River Railroad Company. Union of railroads.

SECT. 2. The corporation, formed as aforesaid, shall have, hold, possess, and enjoy all the powers, privileges, rights, franchises, property, and estates, which at the time of such union may be held and enjoyed by both of the existing corporations, and be subject to all the duties, restrictions, obligations, and liabilities, to which, at the time of union, they are subject in severalty, and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized, in like manner and with the same effect as might have been done, had such union not been formed. Privileges, liabilities, &c.

SECT. 3. The first meeting of the corporation hereby authorized, shall be called by the presidents of the two corporations composing its parts; and of the time and place of said meeting, seven days' notice shall be given, by publications in two newspapers in the city of Boston, and one in each of the counties of Plymouth and Bristol; and at said meeting, persons holding stock either in the Old Colony Railroad Corporation, or in the Fall River Railroad Company, shall be entitled to vote in like manner as they would have been, had these corporations been convened separately. First meeting how called.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1854.*]

An Act to extend the time of the State Loan to the Norwich and Worcester Railroad Company. *Chap. 134*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The treasurer of this Commonwealth is hereby authorized and directed to issue scrip or certificates of debt Treasurer to issue scrip.

Redeemable in
twenty years.

in the name and on behalf of the Commonwealth, and under its seal, and under the hand of said treasurer, for the sum of four hundred thousand dollars, with coupons attached for interest, at the rate of five per centum per annum, payable semi-annually, at the office of said treasurer, and redeemable at the same place, at the expiration of twenty years from the first day of July, in the year eighteen hundred and fifty-seven, which scrip or certificate shall be deemed to be a pledge of the faith and credit of the Commonwealth, for the redemption thereof. And the said scrip or certificates shall be sold by the treasurer, in such sums as he shall require or find necessary for the purpose of raising funds, to pay and redeem the scrip issued for the same amount to the Norwich and Worcester Railroad Company, under and by virtue of the act of March twentieth, eighteen hundred and thirty-seven, entitled "An Act to aid the construction of the Norwich and Worcester Railroad," which was made payable at the expiration of twenty years from the first day of July, eighteen hundred and thirty-seven.

Redeem scrip
issued in 1837.

SECT. 2. It shall be the duty of the treasurer of the Commonwealth, to pay and redeem the scrip issued as aforesaid, to the Norwich and Worcester Railroad Company, whenever presented and demanded, after the same becomes due, out of the avails of the sale of the scrip to be issued under the provisions of this act, and to hold the scrip so redeemed, and the bond and mortgage made and given, and the stock transferred to the Commonwealth as security for the same, in pursuance of the said act of March twentieth, eighteen hundred and thirty-seven, to be enforced against said company, as herein provided.

To pay interest
and create
sinking fund.

SECT. 3. The Norwich and Worcester Railroad Company, shall, semi-annually, on or before the first days of June and December, pay to the treasurer of the Commonwealth, the sum of ten thousand dollars, as interest on the amount paid by the Commonwealth, to redeem the said scrip, for the term of twenty years; and shall also, annually, on the first day of December, pay to the said treasurer, for the purpose of creating a sinking fund, the further sum of ten thousand dollars, during said term of twenty years, and shall also pay all costs and expenses for making and issuing such certificates or scrip, as herein provided.

Sinking fund,
how created.

SECT. 4. The said sums of ten thousand dollars, paid annually, as herein before provided, together with the premium, if any, which shall be received on the sale of said scrip, issued under the provisions of this act, shall be held

by the said treasurer and put at interest, and the same, with the interest accruing thereon, shall constitute a sinking fund for the future payment and final redemption of the scrip issued to the said Norwich and Worcester Railroad Company, and redeemed by the said treasurer, under the provisions of this act. And the said sinking fund shall be held and managed by said treasurer of the Commonwealth, or such commissioners as may be by law provided, and all reasonable charges and costs in the management thereof, being approved by the governor and council, shall be paid from the same.

By whom managed.

SECT. 5. At the expiration of said term of twenty years, or sooner, if the amount of the said sinking fund shall be sufficient therefor, the amount of said sinking fund shall be applied to the payment and liquidation of the said sum of four hundred thousand dollars, due to the Commonwealth from said company, for the redemption of said scrip issued under said act of March twentieth, eighteen hundred and thirty-seven; and if, at the expiration of said term, the said sinking fund shall be insufficient to pay the said sum, the said company shall be required to pay the balance of said sum on the day of the expiration of said term. And on such payment and complete liquidation of the debt, the treasurer of the Commonwealth shall surrender to said company the bond of said company, and the mortgage given to secure the same, and the four thousand shares of the stock of said company, made and given to the Commonwealth, in pursuance of the provisions of said act of March twentieth, eighteen hundred and thirty-seven.

Sinking fund, how applied.

Surrender of bonds, &c.

SECT. 6. In case of the failure of the said company to pay the interest due on the said scrip, issued under the said act of March twentieth, eighteen hundred and thirty-seven, until the maturity thereof, or to pay the expenses and costs of issuing the scrip herein provided for, or to pay the interest semi-annually, as herein provided, or to pay annually, to the treasurer of the Commonwealth, the sum of ten thousand dollars, as herein provided, for a sinking fund, then, in such case, it shall be the duty of the treasurer of the Commonwealth, to enter upon and take possession of the railroad of said company, and enforce all the provisions of said bond given by said company to the Commonwealth, and make use of all the security or pledge held by the Commonwealth, according to the provisions of the said act of March twentieth, eighteen hundred and thirty-seven, for the payment of said debt and indemnity to the Commonwealth, for

Treasurer to take possession

all loss or injury in relation thereto. And the said mortgage and pledge and the said bond are hereby declared not to be waived or impaired by any delay in enforcing the same, or by any of the provisions of this act, until the entire payment and satisfaction of the debt due to the Commonwealth, according to the true and original intent and meaning of the same.

Assent of
stockholders
necessary.

SECT. 7. This act shall not take effect unless the said Norwich and Worcester Railroad Company, before the first day of January next, at a meeting of the stockholders, duly notified for that purpose, shall have assented to all the provisions thereof; nor unless the same shall be approved by the legislature of the State of Connecticut, before the first day of January in the year eighteen hundred and fifty-six. [*Approved by the Governor, March 27, 1854.*]

Chap. 135 An Act to increase the Capital Stock of the Bristol County Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital,
\$100,000.

SECT. 1. The President, Directors and Company of the Bristol County Bank in Taunton, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said bank is now subject.

Certificate
filed with sec-
retary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said

bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Bunker Hill Bank, in Charlestown. *Chap. 136*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Bunker Hill Bank, in Charlestown, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 137 An Act to increase the Capital Stock of the Pittsfield Bank, in Pittsfield

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Pittsfield Bank in Pittsfield, are hereby authorized to increase their present capital stock by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 138 An Act to increase the Capital Stock of the Mahaiwe Bank, in Great Barrington.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors, and Company of the Mahaiwe Bank, in Great Barrington, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the

president and directors of said bank may determine: *pro-Provido.*
vided, that the whole amount shall be paid in before the
 first day of May, in the year one thousand eight hundred
 and fifty-five.

SECT. 2. If any of the stockholders of said bank re-Remonstrance
 monstrate against the acceptance of the additional capital to be in writing
 herein provided, the said remonstrance shall be made, in
 writing, to the cashier of the bank on or before the first day
 of July next; and if the persons so objecting legally repre-
 sent one-fourth part of the present capital stock of said
 corporation, it shall not be entitled to the benefit of this
 act.

SECT. 3. The additional capital stock aforesaid, when Additional
 paid into said bank, shall be subject to the same tax, regu- capital subject
 lations, restrictions and provisions, to which the present to tax.
 capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do Certificate to
 business on said additional capital, a certificate, signed by be filed with
 the president and directors, and attested by the cashier, secretary of
 under oath, that the same has actually been paid into said state.
 bank, shall be returned into the office of the secretary of
 the Commonwealth.

SECT. 5. This act shall take effect from and after its
 passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Housatonic Bank, in Stock- Chap. 139
 bridge.

*Be it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows:*

SECT. 1. The President, Directors, and Company of the Additional
 Housatonic Bank, in Stockbridge, are hereby authorized to capital.
 increase their present capital stock by an addition thereto
 of fifty thousand dollars, in shares of one hundred dollars
 each, which shall be paid in such instalments as the presi-
 dent and directors of said bank may determine: *pro-Provido.*
vided, that the whole amount shall be paid in before the first day
 of May, in the year one thousand eight hundred and fifty-
 five.

SECT. 2. If any of the stockholders of said bank re-Remonstrance
 monstrate against the acceptance of the additional capital to be in writing
 herein provided, the said remonstrance shall be made, in
 writing, to the cashier of the bank on or before the first day
 of July next; and if the persons so objecting legally repre-
 sent one-fourth part of the present capital stock of said

corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 140 An Act to increase the Capital Stock of the John Hancock Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors, and Company of the John Hancock Bank, in Springfield, are hereby authorized to increase their present capital stock by addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said

bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Howard Banking Company. *Chap. 141*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors, and Company of the Howard Banking Company, in Boston, are hereby authorized to increase their capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Additional capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 142 An Act to increase the Capital Stock of the Boylston Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors, and Company of the Boylston Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital of said bank, it shall not be entitled to the benefit of this act.

Additional
capital sub-
ject to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 143 An Act to increase the Capital Stock of the Lancaster Bank, in Lancaster.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors, and Company of the Lancaster Bank, in Lancaster, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and

directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Fitchburg Bank, in Fitchburg. *Chap. 144*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Fitchburg Bank, in Fitchburg, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Additional capital. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 145

An Act to increase the Capital Stock of the Taunton Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the Taunton Bank, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Monument Bank, in the city of Charlestown. *Chap. 146*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. White, Frederick Tudor, G. Wash-
ington Warren, their associates and successors, are hereby
made a corporation, by the name of the Monument Bank, in
the city of Charlestown, and shall so continue until the
first day of October, in the year one thousand eight hundred
and seventy-five, and shall be entitled to all the powers and
privileges, and be subject to all the duties, liabilities and
restrictions, set forth in the public statutes of this Com-
monwealth relative to banks and banking.

Corporators.

Continue till
1875.

SECT. 2. The capital stock of said bank shall consist of
one hundred and fifty thousand dollars, to be divided into
shares of one hundred dollars each, to be paid in such in-
stalments, and at such times, as the stockholders may direct :
provided, that the whole be paid in before the first day of
May, in the year one thousand eight hundred and fifty-five.

Capital stock,
\$150,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable
only at its banking-house, and on its books.

Transfer of
stock.

SECT. 4. The said corporation shall be subject to all the
liabilities, requirements and restrictions contained in such
acts as may hereafter be passed by the general court, in
relation to banks and banking. [*Approved by the Governor,*
March 28, 1854.]

Subject to fu-
ture laws.An Act to increase the Capital Stock of the Neponset Bank, in Canton. *Chap. 147*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the
Neponset Bank, in Canton, are hereby authorized to increase
their present capital stock by an addition thereto of fifty
thousand dollars, in shares of one hundred dollars each,
which shall be paid in such instalments as the president
and directors of said bank may determine : *provided*, that
the whole amount shall be paid in before the first day of
May, in the year one thousand eight hundred and fifty-five.

Additional
capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remon-
strate against the acceptance of the additional capital herein
provided, the said remonstrance shall be made, in writing, to
the cashier of the bank on or before the first day of July

Remonstrance
to be in writing

next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 148 An Act to increase the] Capital Stock of the Southbridge Bank, in Southbridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the Southbridge Bank, in Southbridge, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said

bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Wamesit Bank, in Lowell. *Chap. 149*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Wamesit Bank, in Lowell, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Additional capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Central Bank, in Worcester. *Chap. 150*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Central Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of

Additional capital.

one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

REMONSTRANCE. SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

ADDITIONAL CAPITAL. SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

CERTIFICATE. SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 151 An Act to increase the Capital Stock of the Mechanics' Bank, in New Bedford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

ADDITIONAL CAPITAL. SECT. 1. The President, Directors and Company of the Mechanics' Bank, in New Bedford, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

REMONSTRANCE. SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on before the first day of June next; and if the persons so objecting legally rep-

Remonstrance to be in writing

resent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Waltham Bank, in Waltham. *Chap. 152*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Waltham Bank, in Waltham, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Additional capital. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said Certificate to be filed with secretary of state.

bank, shall be returned to the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 153 An Act to increase the Capital Stock of the Blackstone Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the Blackstone Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of four hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 154 An Act to increase the Capital Stock of the Washington Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the Washington Bank, are hereby authorized to increase their

present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Metacomet Bank.

Chap. 155

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The President, Directors and Company of the Metacomet Bank, in Fall River, are hereby authorized to increase their present capital stock by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Additional capital. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day Remonstrance to be in writing

of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 156 An Act to increase the Capital Stock of the National Bank, of Boston

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the National Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of four hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said

bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Broadway Bank, in South Boston. *Chap. 157*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Broadway Bank, in South Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Additional capital.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Grocers' Bank, in Boston. *Chap. 158*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Grocers' Bank, in Boston, are hereby authorized to increase Additional capital.

their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 159 An Act to increase the Capital Stock of the Columbian Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Additional
capital.

SECT. 1. The President, Directors and Company of the Columbian Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day

of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Monson Bank, in Monson.

Chap. 160

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Austin Fuller, Albert Norcross, William N. Flynt, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Monson Bank, to be established in Monson, on Main Street, southerly of the centre meeting-house, and within two hundred rods of said meeting-house, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Corporators.

SECT. 2. The capital stock of said bank shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Continue till 1875.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Capital stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in Proviso.

Transfer of stock.

Subject to future laws.

such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 161 An Act to increase the Capital Stock of the Quinsigamond Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Quinsigamond Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 162 An Act to increase the Capital Stock of the Village Bank, in Danvers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Village Bank, in Danvers, are hereby authorized to increase

their present capital stock, by an addition thereto of forty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Shawmut Bank, in Boston. *Chap. 163*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Shawmut Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Additional capital. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day Remonstrance to be in writing

of June next: and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 164

An Act to increase the Capital Stock of the Appleton Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The President, Directors and Company of the Appleton Bank, in Lowell, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier,

under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Leicester Bank.

Chap. 165

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Leicester Bank, in Leicester, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Additional capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 166 An Act to increase the Capital Stock of the Machinists' Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Machinists' Bank, in Taunton, are hereby authorized to increase their present capital stock, by an addition thereto of fifty-thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance
to be in writing

Additional
capital subject
to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 167 An Act to increase the Capital Stock of the Eliot Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Eliot Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of four hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the

Proviso.

whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance
to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional
capital subject
to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to
be filed with
secretary of
state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Rollstone Bank, in Fitchburg. *Chap. 168*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Rollstone Bank, in Fitchburg, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Additional
capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance
to be in writing

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the same tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional
capital sub-
ject to tax.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 169 An Act to increase the Capital Stock of the Mechanics' Bank, Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Mechanics' Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Freeman's Bank, in Boston. *Chap. 170*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Freeman's Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, ^{Additional capital.} *Proviso.* that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital ^{Remonstrance to be in writing} herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. ^{Additional capital subject to tax.}

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. ^{Certificate to be filed with secretary of state.}

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act to increase the Capital Stock of the Blue Hill Bank, in Dorchester. *Chap. 171*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The President, Directors and Company of the Blue Hill Bank, in Dorchester, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the presi- ^{Additional capital.}

Proviso. dent and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Remonstrance to be in writing SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax. SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state. SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 172

An Act to incorporate the Bass River Bank, in Beverly.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. William H. Allen, Samuel Adams, John A. Greene, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Bass River Bank, to be established in Beverly, and shall continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till 1875. Capital stock. SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. Subject to future laws. [Approved by the Governor, March 28, 1854.]

An Act to incorporate the North Bridgewater Bank, in North Bridgewater. Chap. 173

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Bela Keith, Benjamin Kingman, Jesse Perkins, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the North Bridgewater Bank, to be established in North Bridgewater, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Corporators.
Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Capital stock.
Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. Subject to future laws. [Approved by the Governor, March 28, 1854.]

An Act to incorporate the Pemberton Bank, in Lawrence.

Chap. 174

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry K. Oliver, Levi Sprague, Dana Sargent, their associates and successors, are hereby made a corpora- Corporators.

tion, by the name of the President, Directors and Company of the Pemberton Bank, to be established in Lawrence, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till
1875.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Transfer of
stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to fu-
ture laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 175 An Act to incorporate the City Bank of Lynn, in the City of Lynn.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John C. Abbott, Otis Johnson, Amos P. Tapley, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the City Bank of Lynn, to be established in the city of Lynn, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till
1875.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Transfer of
stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. *[Approved by the Governor, March 28, 1854.]* Subject to future laws.

An Act to incorporate the Grafton Bank, in Grafton.

Chap. 176

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ezek Saunders, Erastus Fisher, Jonathan Warren, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Grafton Bank, to be established in Grafton, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Corporators.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Continue till 1875.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Capital stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. *[Approved by the Governor, March 28, 1854.]* Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. *[Approved by the Governor, March 28, 1854.]* Subject to future laws.

An Act to incorporate the Conway Bank, in Conway.

Chap. 177

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Edmund Burke, Charles Parsons, Austin Rice, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Conway Bank, to be established in Conway, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be en- Corporators.

Continue till 1875.

titled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Capital stock. SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Transfer of stock. SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to future laws. SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 178

An Act to incorporate the Merchants' Bank, in Lowell.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Harlin Pillsbury, Thomas Nesmith, Ithamar W. Beard, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Merchants' Bank, to be established in Lowell, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till 1875. SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Capital stock. SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Transfer of stock. SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Subject to future laws.

An Act to incorporate the City Bank of Worcester, in the city of Worcester. *Chap. 179*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William B. Fox, Fred. Wm. Paine, Henry Chapin, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the City Bank of Worcester, to be established in the city of Worcester, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five. Capital stock. Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*] Subject to future laws.

An Act to incorporate the Northborough Bank, in the town of Northborough. *Chap. 180*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George C. Davis, Cyrus Gale, Wilder Bush, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Northborough Bank, to be established in the town of Northborough, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Corporators. Continue till 1875.

- Capital stock. SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.
- Proviso.
- Transfer of stock. SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.
- Subject to future laws. SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 181

An Act to incorporate the Maverick Bank, in East Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. Samuel Hall, Noah Sturtevant, William C. Barstow, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Maverick Bank, to be established in that part of Boston called East Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.
- Continue till 1875.
- Capital stock. SECT. 2. The capital stock of said bank shall consist of four hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.
- Proviso.
- Transfer of stock. SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.
- Subject to future laws. SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Townsend Bank, in Townsend.

Chap. 182

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Walter Fessenden, Daniel Adams, Levi Stearns, Corporators. their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Townsend Bank, to be established in Townsend, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of Capital stock. one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, Proviso. that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

SECT. 3. The stock of said bank shall be transferable Transfer of stock. only at its banking-house, and on its books.

SECT. 4. The said corporation shall be subject to all the Subject to future laws. liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Miller's River Bank, in Athol.

Chap. 183

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles C. Bassett, Isaac Stevens, Lewis Thorp, Corporators. their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Miller's River Bank, to be established in Athol, and located in the depot village, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of Capital stock.

one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, that the whole shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Transfer of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to future laws.

SECT. 4. The corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 184

An Act to incorporate the Brighton Market Bank, in Brighton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Life Baldwin, Charles Heard, Granville Fuller, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Brighton Market Bank, in Brighton, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till 1875.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Transfer of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Provincetown Bank, in Provincetown. *Chap. 185*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James M. Holmes, Elijah Smith, Elisha Tillson, Corporators. their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Provincetown Bank, to be established in the town of Provincetown, and shall so continue until the first day of Continue till 1875. October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of Capital stock. one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, Proviso. that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

SECT. 3. The stock of said bank shall be transferable Transfer of stock. only at its banking-house, and on its books.

SECT. 4. The said corporation shall be subject to all the Subject to future laws. liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the Holliston Bank, in Holliston.

Chap. 186

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Luther Green, Timothy Daniels, S. G. Burnap, Corporators. their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Holliston Bank, to be established in Holliston, and shall so continue until the first day of October, in the year Continue till 1875. one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of Capital stock. one hundred thousand dollars, to be divided into shares of

- one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.
- Proviso.
- Transfer of stock. SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.
- Subject to future laws. SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 28, 1854.*]

Chap. 187

An Act to incorporate the Globe Locomotive Works.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. John Souther, Manley A. Rowell, George Souther, their associates and successors, are hereby made a corporation by the name of the Globe Locomotive Works, for the purpose of manufacturing locomotive and stationary engines, and general machinery in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Purpose.
- Powers, duties, &c. SECT. 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and the said corporation may hold real and personal estate, not exceeding that amount.
- Real and personal estate. SECT. 3. No shares in the capital stock shall be issued for a less sum or amount, than the par value of the shares which shall be first issued.
- No shares to be issued under par. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 188

An Act to authorize Peter Lewis to extend his Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Wharf in Falmouth. Peter Lewis, the proprietor of a wharf in Falmouth, is hereby authorized to extend and maintain the same into Waquoit Harbor, to a distance not to exceed sixty feet beyond the present structure: *provided, however*, that the said wharf shall not extend into the harbor or channel, so as to obstruct the navigation of the said harbor; and he shall

have the right to lay vessels at the sides and end of the said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in nowise impair the legal rights of any person. *[Approved by the Governor, March 28, 1854.]*

Rights, &c.

Proviso.

An Act in addition to an Act concerning the State Pauper*Establishments within this Commonwealth. *Chap. 189*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The fifth section of the act of May twentieth, in the year one thousand eight hundred and fifty-two, entitled "An Act in relation to Paupers having no settlement in this Commonwealth," and being chapter two hundred and seventy-five of the acts of that year, is hereby so far amended, that the compensation of the superintendent of each of the State pauper institutions, severally located at Monson, Tewksbury, and Bridgewater, shall be determined and fixed by the inspectors of the same, subject to the approval of the governor.

Former act amended.

SECT. 2. The superintendents of said pauper institutions shall severally give bonds to the treasurer of the Commonwealth, for the faithful performance of their duties, and disbursement of all moneys that may come into their hands by virtue of their office; said bonds to be in such sum as shall be designated by the rules and regulations adopted by the inspectors of said institutions respectively, and with sufficient surety or sureties to the acceptance of said inspectors, and subject to the approval of the governor.

Superintendents to give bonds.

SECT. 3. The inspectors of said institutions shall, in addition to the salary prescribed for them in the sixth section of the aforesaid act, be entitled to repayment from the treasury of the Commonwealth, of all travelling expenses necessarily incurred and paid by them in the due performance of their official duties.

Inspectors allowed travelling expenses.

SECT. 4. The sum of sixteen thousand and two hundred dollars is hereby appropriated for said pauper institutions, namely: the sum of five thousand and four hundred dollars for each of said institutions, for the purchase of farming stock, implements, vehicles, and other necessary articles for the use of the same, also for the building of fences and sheds, and for repairs on the premises connected therewith, the same to be expended for the above purposes by the superintendents of said institutions respectively, under the

\$16,200 appropriated.

Governor to
draw warrant.

direction of the inspectors of each; and the governor is hereby authorized to draw his warrant upon the treasury, from time to time, for portions of said appropriation to the extent of the same, as they may be needed for the above purposes.

Accounts to be
audited and
paid.

SECT. 5. All accounts for the maintenance of the several State pauper establishments, and the support of their inmates, shall, after they have been approved by the inspectors, be presented to the State auditor at the close of each month, and paid from the treasury of the Commonwealth: *provided, however*, if the inspectors shall deem it necessary, a warrant may be drawn by the governor on the treasurer of the Commonwealth, in favor of the superintendent, for a sum not to exceed five hundred dollars, to enable him to make purchases during the month,—said sum to be accounted for to the auditor, prior to the advance of any further amount.

Proviso.

Provisions of
act extended.

SECT. 6. The provision in relation to sending sick State paupers to Rainsford Island, contained in section fifth of an act entitled "An Act concerning State Pauper Establishments within this Commonwealth," passed May twenty-first, in the year one thousand eight hundred and fifty-three, and being chapter three hundred and fifty-second of the acts of that year, is hereby extended to all the cities and towns in this Commonwealth.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

Chap. 190

An Act concerning the Newburyport Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
locate anew,
&c.

SECT. 1. The Newburyport Railroad Company are hereby authorized to locate anew, and extend their railroad within the limits authorized by the acts of incorporation of said company; and they are also authorized to locate and construct a branch railroad from some convenient point on the railroad of said company in Newbury, to the Merrimack River in Newburyport, and thence across the wharves to some convenient point in said Newburyport, with authority therefor to cross the Eastern Railroad. And the said Newburyport Railroad Company, in the location, construction, and use of the roads hereby authorized, shall have all the powers and privileges, and be subject to all the duties,

Powers, duties,
&c.

liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and the public statutes subsequently passed relating to such corporations.

SECT. 2. If the locations, as herein authorized, be not ^{Location and} finished within one year from the passage of this act, and if ^{completion.} the construction of the roads herein authorized, be not finished within two years from the passage of this act, then the same shall be void.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1854.*]

An Act conferring Jurisdiction on the County Commissioners of the *Chap. 191*
County of Barnstable.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The County Commissioners for the County of Barnstable, are hereby authorized and empowered to entertain jurisdiction of claims, for land damages, against the Cape Cod Railroad Company, notwithstanding their interest from being owners of stock therein. [*Approved by the Governor, March 28, 1854.*]

An Act to incorporate the South Reading Bank, in South Reading. *Chap. 192*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Emerson, Lilley Eaton, Edward Mans- ^{Corporators.}field, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the South Reading Bank, to be established in the town of South Reading, and shall so continue until the ^{Continue till} first day of October, in the year one thousand eight hun- ^{1875.}dred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of ^{Capital stock.} one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided, Proviso.*

that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Transfer of
stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to fu-
ture laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 30, 1854.*]

Chap. 193 An Act to incorporate the Blackstone River Bank, in Blackstone.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Edward S. Hall, Charles E. Hall, Spencer M. Rice, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Blackstone River Bank, to be established at Millville, in the town of Blackstone, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Continue till
1875.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Transfer of
stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

Subject to fu-
ture laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, March 30, 1854.*]

Chap. 194 An Act to incorporate the Provincetown Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Jeremiah Stone, Benjamin Allstrum, Elijah Smith, their associates and successors, are hereby made a

corporation, by the name of the Provincetown Gas Light Company, for the purpose of manufacturing and selling gas, Purpose.
in the town of Provincetown; with all the powers and priv- Powers, duties, &c.
ileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed sixty thousand dollars. Real estate, \$20,000; capital, \$60,000.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Provincetown, shall have the power and authority to open the grounds in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary for the purpose aforesaid; and the said corporation, after opening the grounds in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, for the time being, shall at all times have the power to regulate, restrict and control, the acts and doings of the said corporation which may, in any manner, affect the health, safety or convenience of the inhabitants of said town. May open the ground, lay pipes, &c. Proviso.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. [Approved by the Governor, March 31, 1854.] No shares to be issued under par.

An Act to authorize the Warren Institution for Savings to hold additional Real Estate. Chap. 195

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Warren Institution for Savings, in the city of Charlestown, is hereby authorized to hold real estate, to the amount of twenty thousand dollars, in addition to the amount that said corporation is now authorized by law to hold: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation. Additional real estate. Proviso.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 31, 1854.]

Chap. 196 An Act to authorize the Cabot Savings Bank to Change its Name.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Cabot Savings Bank, a corporation organized under a law passed the twenty-seventh day of February, eighteen hundred and forty-five, shall, from and after the passage of this act, be called and known as the Chicopee Savings Bank. [Approved by the Governor, March 31, 1854.]

Chap. 197 An Act to incorporate the Bethesda Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Louisa Minot, Mary Parker, Anne M. Seaver, Hannah B. Emerson, Sarah Stocker, Martha W. Wilkinson, and Elizabeth A. Rand, their associates and successors, are hereby incorporated, by the name of the Bethesda Society, for the purpose of aiding the reformation of penitent females, and affording such instruction and encouragement as shall enable them to return to the ways of virtue; with

Purpose. ...

Powers, duties, &c. all the powers, and subject to all the duties, liabilities and restrictions set forth in the Revised Statutes, chapter forty-four.

Funds not to exceed \$30,000 SECT. 2. The said corporation may hold the funds heretofore held by the association known as the Auxiliary Penitent Females' Refuge Society, and may also take by purchase, grant, devise, bequest, or otherwise, any real or personal property, and may hold the same for the purposes aforesaid, and may manage and dispose of the same: *provided*, that the whole amount of the property held and possessed by the said corporation, shall not exceed in value the sum of thirty thousand dollars.

Officers, &c. SECT. 3. All the officers of the said society, except the treasurer, may be married women; the treasurer, if a female, shall be unmarried. [Approved by the Governor, March 31, 1854.]

An Act concerning the Fall River Railroad Company.

Chap. 198

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Fall River Railroad Company, are hereby authorized to change the location of their railroad, by enlarging, and making more easy of operation, the curve or curves, near its southern terminus, in the town of Fall River. Location changed.

SECT. 2. If the location of the change, herein granted, shall not be filed, within one year, and if the same shall not be constructed, within two years from the passage of this act, this act shall be void. When filed and completed. [Approved by the Governor, March 31, 1854.]

An Act to incorporate the Winchendon Savings Bank.

Chap. 199

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

B. O. Tyler, Gilman B. Parker, M. Hancock, their associates and successors, are hereby made a corporation, by the name of the Winchendon Savings Bank, to be established in the town of Winchendon; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of the Commonwealth, relating to institutions for savings. Savings Bank. Powers, duties, &c. [Approved by the Governor, March 31, 1854.]

An Act in addition to An Act to incorporate the Boston Chemical Company.

Chap. 200

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act, entitled An Act to incorporate the Boston Chemical Company, is hereby amended by the substitution of Joseph W. Ward for J. H. Ward, and Wm. G. Wheelock for H. G. Wheelock, in the first section of said act. Act amended. [Approved by the Governor, March 31, 1854.]

Chap. 201

An Act to authorize William Pope to extend his Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Extension of
wharf.

William Pope, of Boston, is hereby authorized to extend his wharf, on Harrison Avenue in the city of Boston, to the line established by "An Act concerning the Harbor of Boston," passed the seventeenth day of March, in the year one thousand eight hundred and forty, and he shall have the right to lay vessels, at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said com-

Rights, &c.
Proviso.

missioners' line: and *provided, also,* that so much of said wharf, as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other, than six feet, in the direction of the stream, and eight feet in a transverse direction; and that this act shall in nowise impair the legal rights of any person. [*Approved by the Governor, March 31, 1854.*]

Chap. 202 An Act to Change the Name of the Conway Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Conway Mutual Fire Insurance Company, shall hereafter be called and known by the name of the Conway Stock and Mutual Fire Insurance Company. [*Approved by the Governor, March 31, 1854.*]

Chap. 203

An Act to incorporate the Medford Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Sanford B. Perry, Gardner G. Hubbard, Moses M. Rice, their associates and successors, are hereby made a corporation, by the name of the Medford Gas Light Company, for the purpose of making and selling gas in the towns of Medford and West Cambridge; with all the powers and privileges, and subject to all the duties, restrictions and

Purpose.

Powers, duties,
&c.

liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The capital stock of said company shall not exceed the sum of three hundred thousand dollars; and said company may hold such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of one hundred thousand dollars.

Capital,
\$300,000;
real estate,
\$100,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to
be issued un-
der par.

SECT. 4. Said company, with the consent of the selectmen of the towns of Medford and West Cambridge, respectively, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said towns, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink, for the purpose aforesaid; and the said company, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, for the time being, shall at all times have the power, in their respective towns, to regulate, restrict and control, the acts and doings of said company, which may in any manner affect the health, safety, or convenience of the inhabitants of said towns.

May open the
ground, lay
pipes, &c.

Provided, &c.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, March 31, 1854]

An Act to increase the Capital Stock of the Salisbury Manufacturing Company. *Chap. 204*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Salisbury Manufacturing Company is hereby authorized to increase its capital stock, by an amount not exceeding three hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of the said corporation: *provided, however*, that no shares in the capital stock of the said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which have been already issued.

Additional
capital.

Hold real and
personal estate
Proviso.

Doings confirmed.

SECT. 2. The doings of the directors and corporation, in issuing stock from time to time heretofore, are hereby ratified and confirmed. [*Approved by the Governor, March 31, 1854.*]

Chap. 205 An Act in addition to An Act to incorporate the Cambridge Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May remove tracks.

SECT. 1. That at any time after the expiration of one year from the opening for use, of the tracks of said railroad, in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the cities of Boston and Cambridge respectively, may, by vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective cities, that the same, or any part thereof, be discontinued, and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote, or order of said mayor and aldermen: *provided*, that such taking up and removal shall be at the expense of said railroad company.

Proviso.

Fare.

SECT. 2. The rates of fare upon the said railroad, between any two points in the city of Boston, shall never exceed five cents for each passenger, unless with the assent of the mayor and aldermen of said city.

Notice to abutters.

SECT. 3. Notice to abutters on streets in which it may be proposed to lay the tracks of said corporation, shall be given, by the publication, in one or more newspapers published in the cities of Boston and Cambridge, of an order of notice from the mayor and aldermen of said respective cities, fourteen days at least, prior to the location of any such tracks.

Cities may purchase, &c.

SECT. 4. Either of the cities of Boston and Cambridge, if it so elect, may purchase, on the same terms and conditions as are mentioned in the 7th section of the act to which this is an addition, that part of the corporate property of this company which relates or lies within its own limits, paying therefor a proportional sum, to be ascertained by commissioners to be appointed by the supreme judicial court.

Act void, unless, &c.

SECT. 5. This act shall be void and of no effect, unless the same shall be accepted by the city council of the cities

of Boston and Cambridge respectively, within one year from the date hereof.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]

An Act relating to Contracts for Public Works.

Chap. 206

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All contracts to be made hereafter by county commissioners, for public works, within their respective counties in this Commonwealth, shall, if exceeding three hundred dollars in amount, be made in writing, after due notice for proposals therefor shall have been issued and published, at least three times, in some newspaper published in the county or town, which may be interested therein. [*Approved by the Governor, March 31, 1854.*]

Certain contracts made in writing.

An Act to incorporate the West Cambridge Gas Light Company.

Chap. 207

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Schouler, John Field, Nathan Robbins, Corporators, their associates and successors, are hereby made a corporation, by the name of the West Cambridge Gas Light Company, for the purpose of making and selling gas in the town of West Cambridge; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose. Powers, duties, &c.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient, for the purposes aforesaid, not exceeding in value the sum of fifty thousand dollars.

Hold real and personal estate

SECT. 3. No shares in the capital stock of said company, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to be issued under par.

SECT. 4. Said corporation, with the consent of the selectmen of the town of West Cambridge, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be

May open the ground, lay pipes, &c.

necessary to sink, for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of said corporation, which may, in any manner, affect the health, safety and convenience of the inhabitants of said town.

Proviso.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]

Chap. 208 An Act to authorize the Trustees of the Union Street Methodist Episcopal Church in Springfield, to sell Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees may
sell real estate.

The trustees of the Union Methodist Episcopal Church, in Springfield, or their successors in office, are hereby authorized to sell, and convey by deed, any real estate which they may hold in trust, conveyed to said church by deed of John W. Hardy, on the twenty-fourth day of May, in the year eighteen hundred and twenty-five: *provided*, that the whole amount received from such sale be appropriated, or held and managed by said trustees, and their successors in office, in and upon the same trusts, and for the purposes specified in said deed. [*Approved by the Governor, March 31, 1854.*]

Proviso.

Chap. 209 An Act in addition to "An Act to incorporate the Merchants' and Farmers' Mutual Fire Insurance Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Guarantee capital.

SECT. 1. The said Merchants' and Farmers' Mutual Fire Insurance Company, established at Worcester, may open books of subscription, for a guarantee capital of fifty thousand dollars, with leave to increase the same to the sum of two hundred thousand dollars, which shall be paid in within three years from the passage of this act; and whenever said sum of fifty thousand dollars shall be subscribed and paid in, said corporation may insure and issue policies, otherwise than upon the mutual principle. Said guarantee capital shall be divided into shares by said corporation, and shall

May increase
capital.

Policies, when
issued.

be entitled to receive a semi-annual dividend, not exceeding Dividends. four per centum; and said corporation may invest its funds in any manner insurance companies or savings banks are or may be, by law, authorized to do.

SECT. 2. At the annual meeting next after the time of Surplus profits. issuing policies upon the stock principle, and at each succeeding annual meeting, said corporation may cause an examination and estimate to be made of any surplus or profits accruing and remaining from the receipts or income of business done upon the stock principle; and if, after providing for all outstanding risks, losses, interest on guarantee capital, incidental expenses, and other liabilities, chargeable to that portion of the business done upon the stock principle, there shall remain any surplus or profits, the same may be set aside, as a reserve fund, to be applied to the redemption of the guarantee capital. And whenever, How applied. after the expiration of ten years from the commencement of business on the stock principle, there shall be sufficient amount of reserved fund to redeem the whole or a part of said guarantee capital, and the corporation shall vote to redeem it, the same shall be redeemed, *provided, however,* Proviso. that it shall not be so redeemed in less amounts, at one time, than twenty-five per cent. of the capital existing at the time of such redemption. [*Approved by the Governor, March 31, 1854.*]

An Act in relation to the Peterborough and Shirley Railroad Company. *Chap. 210*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Peterborough and Shirley Railroad Company in Massachusetts, is hereby authorized to purchase and hold stock in the Peterborough and Shirley Railroad Company, a corporation established by the laws of New Hampshire, and to purchase and hold bonds and debts against said company: *provided,* the whole amount to be paid for May purchase stock. such stock, bonds and debts, shall not exceed seventy-five thousand dollars. Proviso.

SECT. 2. The said Peterborough and Shirley Railroad Company in Massachusetts, are hereby authorized to take a lease of said Peterborough and Shirley Railroad Company in New Hampshire. May take lease.

SECT. 3. This act shall not take effect unless the same shall be accepted by the stockholders of said company, at a meeting called for that purpose, before the first day of Jan- Not to take effect, unless, &c

uary next, and no purchase of stock, bonds, or debts, shall be made, and no lease taken, as provided in this act, unless the same shall be authorized by the stockholders of said Peterborough and Shirley Railroad Company in Massachusetts, at a meeting called for that purpose. [*Approved by the Governor, March 31, 1854.*]

Chap. 211

An Act to incorporate the Woburn Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** **SECT. 1.** Abijah Thompson, Charles Choate, Albert H. Nelson, their associates and successors, are hereby made a corporation, by the name of the Woburn Gas Light Company, for the purpose of making and selling gas, in the town of Woburn; with all the privileges and powers, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Powers, duties, &c.** **SECT. 2.** Said corporation may hold such real and personal estate as may be necessary and convenient, for the purposes aforesaid, not exceeding in value the sum of one hundred thousand dollars.
- Hold real and personal estate** **SECT. 3.** No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.
- No shares to be issued under par.** **SECT. 4.** Said corporation, with the consent of the selectmen of the town of Woburn, shall have power and authority to open the ground, in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said company, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however,* that said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said company, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town.
- May open the ground, lay pipes, &c.** **SECT. 5.** This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]
- Proviso.**

An Act to incorporate the Greenfield Gas Light Company.

Chap. 212

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Franklin Ripley, Wendell T. Davis, Rufus Howland, their associates and successors, are hereby made a corporation, by the name of the Greenfield Gas Light Company, for the purpose of manufacturing and selling gas, in the towns of Deerfield and Greenfield; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, privileges, &c.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value twenty thousand dollars; and the whole capital stock shall not exceed fifty thousand dollars.

Real estate, \$20,000; capital, \$50,000.

SECT. 3. Said corporation, with the consent of the selectmen of the towns of Deerfield and Greenfield, shall have the power and authority to open the ground, in any part of the streets, lanes and highways, in said towns, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink, for the purpose aforesaid; and the said corporation, after opening the ground, in such streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that the said selectmen, for the time being, shall, at all times, have the power to regulate, restrict and control, the acts and doings of the said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said towns.

May open the ground, lay pipes, &c.

Proviso.

SECT. 4. No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. [*Approved by the Governor, March 31, 1854.*]

No shares to be issued under par.

An Act to incorporate the Housatonic Mutual Fire Insurance Company. Chap. 213

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The members of the Mechanics' and Farmers' Mutual Fire Insurance Company, established in Stockbridge,

Corporations united.

and the members of the Great Barrington Mutual Fire Insurance Company, established at Great Barrington, are hereby made a corporation, by the name of the Housatonic Mutual Fire Insurance Company, in Stockbridge; for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire; with all the powers, privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies: *provided, however*, that said Mechanics' and Farmers' Mutual Fire Insurance Company, and said Great Barrington Mutual Fire Insurance Company, shall, respectively, continue to exist, as corporations, for the term of two years from the passage of this act, for the purpose of closing their affairs: and *provided, also*, that this act shall not affect the legal rights of any person.

When to take effect. **SECT. 2.** This act shall not take effect, until it shall be accepted by the members of said corporations, respectively, at meetings called for that purpose. [*Approved by the Governor, March 31, 1854.*]

Chap. 214

An Act to incorporate the Russell Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Nathaniel Russell, Andrew L. Russell, Le Baron Russell, their associates and successors, are hereby made a corporation, by the name of the Russell Mills, for the purpose of manufacturing cotton, woollen, linen and other goods, in the town of Plymouth, and county of Plymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, liabilities, &c.

Real estate, \$150,000; capital, \$300,000. **SECT. 2.** The said corporation may hold, for the purposes aforesaid, real estate not exceeding, in value, one hundred and fifty thousand dollars, and the whole capital stock of said corporation, shall not exceed three hundred thousand dollars.

No shares to be issued under par. **SECT. 3.** No shares in the capital stock of the said corporation, shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]

An Act concerning the Salary of the Assistant Clerk of the Courts of the County of Worcester. *Chap. 215*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The assistant clerk of the courts in the county of Worcester, shall receive, for his services as assistant clerk of said courts, the sum of sixteen hundred dollars a year, to be paid to him, in equal quarter yearly payments, from the treasury of said county. Salary fixed.

SECT. 2. So much of the two hundred and thirty-sixth chapter of the acts of the year one thousand eight hundred and fifty, and of the two hundredth chapter of the acts of the year one thousand eight hundred and fifty-two, as is inconsistent with this act, is hereby repealed. Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]

An Act to incorporate the Protestant Episcopal School of the Diocese of Massachusetts, for Orphan Boys. *Chap. 216*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Manton Eastburn, Asa Eaton, William I. Smith, ett, Charles Mason, William R. Lawrence, George M. Dexter, George W. Beck, and their successors, are hereby made a corporation, by the name of the Protestant Episcopal School of the Diocese of Massachusetts for Orphan Boys, for the purpose of furnishing to orphan boys and others, a thorough English education, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Purpose.

SECT. 2. The said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding two hundred thousand dollars. Hold real and personal estate

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1854.*]

Chap. 217

An Act to extend Sargent's Wharf, in Gloucester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf extended.

George H. Rogers, proprietor of a wharf known as "Sargent's Wharf," in the harbor of the town of Gloucester, is hereby authorized to extend and maintain said wharf, in its present width, eighty feet into the harbor, in the direction

Right of wharfage.

it now runs, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in nowise

Proviso.

impair the legal rights of any person. [*Approved by the Governor, March 31, 1854.*]

Chap. 218

An Act authorizing the Boston Wharf Company to construct their Wharf to the Commissioners' Line.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend wharf.

SECT. 1. The Boston Wharf Company is hereby authorized to extend and maintain its wharf in that part of Boston called South Boston, to the commissioners' line, of solid filling, established by an act entitled "An Act concerning the Harbor of Boston," passed May 25, 1853, and shall

Right of wharfage.

have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*,

Proviso.

however, that this grant shall not be construed to extend to any flats or land lying in front of the flats of any other persons, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: and

Provided, also.

provided, also, that this grant shall not impair the legal rights of any person or corporation whatever: and *provided, also*, that the said wharf shall be bounded on Fore Point Channel by the commissioners' line, established by an act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty.

To conform to plan, &c.

SECT. 2. The Boston Wharf Company, in making the extensions and improvements authorized by this act, shall conform to any plan which may be adopted by commissioners appointed under the authority of the present legislature, for the improvement of the South Boston flats on the east side of Fore Point Channel.

SECT. 3. The city of Boston shall have the right to lay out such streets, with sewers under the same, as public convenience and necessity may require, on the territory, over which the Boston Wharf Company is hereby authorized to construct their wharf: *provided, however*, that all such streets shall be laid out within one year from the passage of this act. Right of city to lay out streets.
Proviso.

SECT. 4. This act shall not authorize said company to hold any flats, which shall not be embraced between the true lines of its estate, legally extended, nor to interfere with, nor to take compensation for any easement, which the legislature have already granted to any railroad, or other corporation, in or over said flats. Privileges limited.

SECT. 5. The Boston Wharf Company shall pay their proportion of the expenses of making the excavations, set forth in the fifth section of the two hundred and fifty-fourth chapter of the acts of the year eighteen hundred and fifty; said proportion to be assessed by the commissioner appointed under said act. [*Approved by the Governor, April 4, 1854.*] Company to pay proportion of expense.

An Act in addition to an Act concerning the Transit of Alien Passengers. *Chap. 219*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act of one thousand eight hundred and fifty-three, chapter three hundred and sixty, is so far amended, as that if any alien passenger, on whose account the commutation money has been refunded or bonds cancelled, shall, within five years from the date thereof return into this State and become a public charge, then the party who originally paid the commutation money or gave the bond, shall become responsible for and pay the cost of the support of such alien, in the same manner as if a bond had been taken and not cancelled. [*Approved by the Governor, April 4, 1854.*] Act amended.

An Act to incorporate the Rutland Academy.

Chap. 220

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. B. H. Tripp, D. Bartlett, A. H. Temple, their associates and successors, are hereby made a corporation, by the name of the Rutland Academy, to be established in the town of Rutland, in the county of Worcester; with all

Powers, duties, &c. the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

\$20,000 real and personal estate. SECT. 2. Said corporation may hold real and personal estate, to an amount not exceeding twenty thousand dollars, exclusive of books and apparatus, to be devoted solely to the purposes of education. [*Approved by the Governor, April 4, 1854.*]

Chap. 221 An Act to incorporate the Boot and Shoe Manufacturers' Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Daniel C. Baker, Stephen Oliver, Jr., F. S. Newhall, their associates and successors, are hereby made a corporation, by the name of the Boot and Shoe Manufacturers' Mutual Fire Insurance Company, in the city of Lynn, for the term of twenty-eight years, for the purpose of insuring buildings and personal property against loss or damage by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies.

Duration.

Powers, privileges, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1854.*]

Chap. 222 An Act relating to Day's Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Number of trustees reduced.

The number of the trustees of Day's Academy, in Wrentham, in the county of Norfolk, may be reduced to fifteen, eight of whom shall be necessary to constitute a quorum for doing business, but a less number may, from time to time, adjourn, until a quorum can be constituted ; anything contained in the act incorporating said academy, approved on the thirteenth day of March, in the year one thousand eight hundred and six, to the contrary, notwithstanding. [*Approved by the Governor, April 4, 1854.*]

An Act to incorporate the Ladies' Benevolent Society, of the First Religious Society of Newburyport. *Chap. 223*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Margaret H. Andrews, Sarah J. Johnson, Elizabeth S. Noyes, their associates and successors, are hereby made a corporation, by the name of the Ladies' Benevolent Society of the First Religious Society, in Newburyport, for the purpose of providing for the wants of sick and destitute persons of said religious society; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and for the purpose aforesaid, may take and hold real and personal estate to an amount not exceeding ten thousand dollars.

Corporators.
Purpose.
Powers, privileges, &c.
\$10,000 real and personal estate.
Officers.

SECT. 2. All the officers of the said society, except the treasurer, may be married women; the treasurer, if a female, shall be unmarried.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1854.*]

An Act to set off a part of the Town of Methuen, and annex the same to the City of Lawrence. *Chap. 224*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the town of Methuen, in the county of Essex, as lies within the following described limits, namely: Beginning at the point of intersection of the Londonderry Turnpike, (so called,) and the northerly line of the city of Lawrence, near the house of Abiel Stevens; thence running north sixty-one degrees east, to the easterly line of school district number four, in said Methuen; thence running south, seventy-nine degrees east, in a straight line, crossing the road north of the house of Isaac B. Cobb, to the Merrimack River; thence running by said river, to the north-easterly line of said Lawrence; thence following the northerly and easterly line of said Lawrence, to the point first begun at, with all the inhabitants and estates thereon, is hereby set off from the town of Methuen, and annexed to the city of Lawrence: *provided, however*, that for the purpose of electing representatives to the general court, to which the said town of Methuen is entitled, until the next

Boundaries.
Set off to city of Lawrence.
Proviso.

decennial census shall be taken, in pursuance of the thirteenth Article of Amendment to the Constitution, the said territory shall remain and continue to be a part of the town of Methuen, and the inhabitants resident therein shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of Methuen, in the same manner as if this act had not been passed.

Concerning
taxes.

SECT. 2. The said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of Methuen, in the same manner as if this act had not been passed. And until the next general valuation of estates in this Commonwealth, the city of Lawrence shall annually pay over to the said town of Methuen, the proportion of any state or county tax which the said town of Methuen may have to pay, upon the inhabitants or estates hereby set off.

Support of
paupers.

SECT. 3. If any persons who have, heretofore, gained a legal settlement in the town of Methuen, by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved and supported by the said city of Lawrence, in the same manner as if they had gained a legal settlement in that town.

List of voters
to be furnished
to Methuen.

SECT. 4. The mayor and aldermen of the city of Lawrence shall, annually, fourteen days, at least, before the second Monday of November, furnish to the selectmen of Methuen a correct list, so far as may be ascertained from the records of the city of Lawrence, or any of its officers, of all persons resident on the territory hereby set off, who shall be entitled to vote for representatives, as aforesaid, in Methuen.

School dis-
tricts.

SECT. 5. The said town of Methuen is hereby authorized to change the line of any school district, if they shall deem it expedient, by reason of the change of line in said town hereby made.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1854.*]

An Act to set off a part of the Town of Dighton and annex the same *Chap. 225*
to the Town of Somerset.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the town of Dighton, in the county Boundaries.
of Bristol, as lies within the following described limits,
namely: Beginning at a point, in the line between Somerset
and Dighton, one hundred and three rods easterly of the
stone monument at the westerly shore of Broad Cove, so
called; thence running northerly, at a right angle with said
line, thirteen rods; thence easterly, parallel with the said
line between Somerset and Dighton, thirteen rods; thence
southerly, at a right angle with the last mentioned course,
to the said line between Somerset and Dighton; thence fol-
lowing the said line between Somerset and Dighton, to the
point first begun at, is hereby set off from the town of Annexed to
Dighton and annexed to the town of Somerset. Somerset.

SECT. 2. This act shall take effect from and after its
passage. [*Approved by the Governor, April 4, 1854.*]

An Act authorizing a Loan of the State Credit to enable the Troy and *Chap. 226*
Greenfield Railroad Company to construct the Hoosac Tunnel.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Treasurer of the Commonwealth is hereby Scrip to be is-
authorized and instructed to issue scrip, or certificates of sued in behalf
debt, in the name and in behalf of the Commonwealth, and of the common-
under his signature and the seal of the Commonwealth, for wealth, to the
the sum of two millions of dollars, which may be expressed amount of
in the currency of Great Britain, and may be payable to \$2,000,000,
the bearer thereof in London, and bearing an interest of redeemable in
five per cent. per annum, payable semi-annually in London, thirty years.
on the first days of April and October; or the said scrip
may be issued in federal currency, payable in Boston, as the
directors of the Troy and Greenfield Railroad Company shall
elect when they apply for each and every issue of said scrip,
with warrants for the interest attached thereto, signed by
the treasurer; which scrip or certificates, in the currency of
Great Britain, shall be redeemable in London, and those in
the federal currency, at Boston, at the end of thirty years
from the date thereof, and the same shall bear date on the
first day of April or October which shall precede the issue

Countersigned by governor. of each portion of said scrip; and all such scrip shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth, for the redemption thereof; and the treasurer of the Commonwealth, under the conditions herein-after provided, shall deliver the same to the treasurer of the Troy and Greenfield Railroad Company, for the purpose of enabling the said company to construct a tunnel and railroad under and through the Hoosac Mountain, in some place between the "Great Bend" in Deerfield River, in the town of Florida, at the base of Hoosac Mountain on the east, and the base of the western side of the mountain, near the east end of the village of North Adams, on the west.

Purpose.

To be delivered to treasurer of corporation on condition.

SECT. 2. Whenever it shall be made to appear to the satisfaction of the governor and council, that the Troy and Greenfield Railroad Company shall have obtained subscriptions to their corporate stock, in the sum of six hundred thousand dollars, and twenty per cent. on each and every share of said six hundred thousand dollars shall have been actually paid in, and shall have completed seven miles of their said railroad, in one or two sections, and one thousand lineal feet of their said tunnel under the Hoosac, in one or more sections, of size sufficient for one or more railroad tracks, a portion of said scrip, to the amount of one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed, in one or two sections, ten miles of their said railroad, and two thousand lineal feet of their said tunnel, in one or more sections, another portion of said scrip, to the amount of one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed fifteen miles of their said railroad, in one or two sections, and three thousand lineal feet of their said tunnel, in one or more sections, another portion of said scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed twenty miles of their said railroad, in one or two sections, and four thousand lineal feet of their said tunnel, in one or more sections, another portion of said scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed twenty-five miles of their said railroad, in one or two sections, and five thousand lineal feet of their said tunnel, in one or more sections, another portion of said

scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed thirty miles of their said railroad, in one or two sections, and six thousand lineal feet of their said tunnel, in one or more sections, another portion of said scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; and when said company shall have completed thirty-two miles of their said railroad, in one or two sections, including all their line to be constructed east of the town of Florida, and seven thousand lineal feet of their said tunnel, in one or more sections, another portion of said scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; and for each additional portion or portions of said tunnel, of fifteen hundred lineal feet, in one or more sections, completed by said company, another portion of said scrip, amounting to one hundred thousand dollars, shall be delivered to the treasurer of said company; subject, however, to this proviso, that the last two hundred thousand dollars of said scrip shall be reserved until said company, their successors or their representatives, have opened said railroad for use through the Hoosac, and laid a continuous railroad from Greenfield to the line of the State in Williamstown, when the same shall be delivered: *provided*, that prior to the second delivery of scrip to the treasurer of the Troy and Greenfield Railroad corporation, according to the provisions of this section, evidence shall be furnished, satisfactory to the governor and council, that a sum, equal to thirty per cent. of the amount of the scrip then applied for, shall have been actually paid to the treasurer of said corporation, in cash, by the stockholders thereof, in addition to the hundred and twenty thousand dollars to be paid prior to the delivery of any scrip. And that on each application for scrip, in pursuance of the provisions of this section, and prior to the delivery thereof, satisfactory evidence shall be furnished to the governor and council, that a sum, equal to thirty per cent. of the amount of scrip then applied for, has been actually paid to the treasurer of said corporation, until six hundred thousand dollars subscribed for have been paid by the stockholders. And no scrip shall be delivered till satisfactory evidence of such payment is, from time to time, furnished to the governor and council.

Proviso.

SECT. 3. Whenever the treasurer of said company shall receive any of said scrip, he shall, within three months from

Amounts paid
to sinking fund

the receipt of the same, pay to the commissioners of the sinking fund, by this act hereafter established, ten per cent. on the amount of scrip so taken, as a sinking fund; after the whole of said road is open for use, twenty-five thousand dollars annually, shall be set apart from the income of said road and paid to said commissioners, and the whole thereof shall be added to said sinking fund, and shall be managed, invested and appropriated, as is, or shall be provided by law, in relation thereto.

Commissioners
of sinking fund

SECT. 4. The treasurer of the Commonwealth, the auditor of accounts of the Commonwealth, and the treasurer of the Troy and Greenfield Railroad Company for the time being, shall be the commissioners of the sinking fund of the Troy and Greenfield Railroad Company. The said commissioners shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund, and shall invest the same; but the moneys not invested, and all the securities of said fund, shall be in the custody of the treasurer of said Commonwealth.

Corporation to
give bond, se-
cured, to com-
ply with provi-
sions of this
act.

SECT. 5. This act shall not take effect until said company, at an annual meeting, or at a special meeting duly notified for that purpose, shall have assented to the provisions thereof, and shall have executed to the Commonwealth a bond, in such form as the attorney-general prescribed on the issuing of scrip to the Western Railroad Corporation, conditioned, that the Troy and Greenfield Railroad Company shall comply with the provisions of this act, and shall faithfully expend the proceeds of said scrip as herein provided, and shall indemnify and save harmless, the Commonwealth, from all loss or inconvenience on account of said scrip, and that said company shall well and truly pay the principal sum of said scrip, punctually when the same shall become due and payable, or such part thereof as the sinking fund aforesaid shall be insufficient to pay, and the interest thereon semi-annually, as the same shall fall due, and shall also assign to the Commonwealth, by suitable instrument or instruments, of the same form with that or those prepared by the attorney-general on the issuing of scrip to the Western Railroad Corporation, the entire railroad, with its income, and all the franchise and property to them belonging, the whole thereof to be held by the Commonwealth as a pledge or mortgage to secure the performance of all the conditions of said bond: *provided, however*, that the Commonwealth shall not take possession of said pledged or mortgaged property, or any part thereof, under or by virtue of said

Road, &c., to
be pledged.

Proviso.

mortgage, unless for some substantial breach of some condition of said bond.

SECT. 6. In addition to the security provided in the preceding section, the said company shall assign all the interest they now have, or may hereafter obtain, in the Southern Vermont Railroad Company. Additional security.

SECT. 7. The Troy and Greenfield Railroad Company are authorized, at any time prior to the execution of said mortgage, and within one year from the passage of this act, to alter the present location of their road: *provided*, that the tunnel shall be located and constructed within the limits prescribed by the first section of this act. Location may be changed. Proviso.

SECT. 8. The time for completing the Troy and Greenfield Railroad is hereby extended, for the additional term of six years. Time for completion extended.

SECT. 9. When the Commonwealth shall have advanced to said company, said bonds or scrip to the amount of five hundred thousand dollars, the legislature may elect two directors of said company, who shall hold office for the same time, be elected in the same manner, and receive compensation to the same amount as the State directors of the Western Railroad Corporation, but neither of them, while holding such office, shall serve as a director of any other railroad company. [*Approved by the Governor, April 5, 1854.*] Two directors to be elected by the legislature.

An Act to incorporate the Woburn Five Cents Savings Bank.

Chap. 227

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Stephen Dow, J. P. Converse, P. D. Converse, Stephen Nichols, Jr., Abijah Thompson, Horace Conn, N. Wyman, M. F. Winn, F. A. Thompson, Horace Collamore, Thomas Richardson, their associates and successors, are hereby made a corporation, by the name of the Woburn Five Cents Savings Bank, to be established in the town of Woburn; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to the institutions for savings. Corporators. Privileges, liabilities, &c.

SECT. 2. Said corporation shall receive, on deposit, sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to minors. Trustees may pay to minors.

Minor's receipt
valid.

cretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1854.*]

Chap. 228 An Act to incorporate the Charlestown Five Cents Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George B. Neal, Thomas J. Stevens, A. Stone, Thomas Greenleaf, George H. Jacobs, George W. Bartlett, James Tuttle, Charles Thompson, D. D. Taylor, M. B. Sewall, Samuel Rice, Duncan Bradford, William Fosdick, Edward Pratt, Warren Sargent, their associates and successors, are hereby made a corporation, by the name of the Charlestown Five Cents Savings Bank, to be established in the city of Charlestown; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Duties, liabilities,
&c.

Deposits.

SECT. 2. Said corporation shall receive, on deposit, sums as small as five cents.

Trustees may
pay to minors.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor.

Minor's receipt
valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1854.*]

An Act to incorporate the Pacific Mutual Insurance Company. *Chap. 229*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Edward M. Robinson, Gideon Allen, Benjamin Corporators.
T. Ricketson, their associates and successors, are hereby made a corporation, by the name of the Pacific Mutual Insurance Company, to be established in the city of New Bedford, for the purpose of making maritime loans, and in- Purpose.
surance against maritime losses ; and for that purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty- Duties, liabilities, &c.
seventh and forty-fourth chapters of the Revised Statutes, and an act concerning mutual insurance companies, passed May twenty-fourth, eighteen hundred and fifty-one, and all other acts in relation to mutual insurance companies.

SECT. 2. No person effecting insurance with the said Liability of insured.
company, shall be liable, in any court, beyond the premium paid by him, or secured to be paid. [*Approved by the Governor, April 7, 1854.*]

An Act to incorporate the Musical Education Society. *Chap. 230*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel J. M. Homer, Oliver Edwards, William Corporators.
F. Goodwin, their associates and successors, are hereby made a corporation, by the name of the Musical Education Society, in Boston, for the purpose of promoting the culti- Purpose.
vation of vocal music ; with all the powers and privileges, Powers, duties, &c.
and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold real estate, to Real estate, \$50,000 ;
the amount of fifty thousand dollars, and personal estate to personal, \$25,000.
the amount of twenty-five thousand dollars, to be used for the purposes of said corporation. [*Approved by the Governor, April 7, 1854.*]

Chap. 231

An Act to secure an Alewife Fishery at West Sandwich.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Exclusive
right to take
herrings.

SECT. 1. Isaac Keith, of Sandwich, in the county of Barnstable, his heirs and assigns, shall have the exclusive right to take and catch fish in the stream or creek known as Scusset River, and leading into the mill pond in West Sandwich, on Monday, Wednesday, Friday and Saturday, in each week, and at no other time: *provided*, that the said Isaac Keith, his heirs or assigns, shall open a good and sufficient passage way around the dam or dams erected on said stream, to enable the fish to go into said mill pond to spawn, and maintain and keep the said passage ways open and unobstructed, from the tenth day of April to the twentieth day of May, inclusive, in each year.

Proviso.

Penalty for taking fish without consent.

SECT. 2. Any person or persons taking fish from said stream or pond, without the consent of the said Isaac Keith, his heirs or assigns, shall forfeit and pay, for each and every offence, the sum of ten dollars; one-half of the forfeiture to be paid to the person making the complaint, the other half to be paid to the said Isaac Keith, his heirs or assigns, to be recovered in any court competent to try the same. [*Approved by the Governor, April 7, 1854.*]

Chap. 232 An Act to incorporate the Boston Five Cents Savings Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Edward Edmunds, Rollin H. Neale, B. T. Loring, John E. Thayer, George W. Crockett, Benjamin Bangs, James Lawrence, William Beals, Nathaniel Thayer, Tolman Willey, George W. Chipman, Charles Hudson, Henry Andrews, Charles C. Barry, George W. Warren, Geo. Allen Otis, Wm. P. Mason, Anson Burlingame, and Phineas Stowe, their associates and successors, are hereby made a corporation, by the name of the Boston Five Cents Savings Bank, to be established in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings.

Duties, liabilities, &c.

Deposits.

SECT. 2. Said corporation shall receive, on deposit, sums as small as five cents.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of said minor, or the said minor was of full age, if such deposit was made, personally, by said minor. Trustees may pay to minors.
Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1854.*]

An Act to incorporate the South Wilbraham Manufacturing Company. *Chap. 233*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William V. Sessions, Eleazer Scripter, Luther B. Sage, their associates and successors, are hereby made a corporation, by the name of the South Wilbraham Manufacturing Company, for the purpose of manufacturing woollen goods, and goods composed of wool mixed with other materials, at South Wilbraham, in the county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Powers, privileges, &c.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of fifty thousand dollars. Hold real and personal estate

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 7, 1854.*] No shares to be issued under par.

An Act to authorize the East Boston Dry Dock Company to build a Marine Railway. *Chap. 234*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The East Boston Dry Dock Company are hereby authorized and empowered to construct and use a marine railway, upon the land bought by them of Samuel Hall, at East Boston, and to make upon said land such other Marine railway, &c.

structures and improvements as shall be necessary and convenient for the business of docking and repairing vessels.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1854.*]

Chap. 235 An Act to establish a Fire Department in the Town of Reading.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A fire department is hereby established in the town of Reading, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed the ninth day of April, in the year one thousand eight hundred and thirty-nine.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1854.*]

Chap. 236 An Act relating to the Shelburne Falls Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed SECT. 1. The corporate name of the Shelburne Falls Academy shall be changed, and the said corporation shall hereafter be known and called by the name of the Lamson Classical and Scientific Institute, any thing in the act incorporating the same to the contrary, notwithstanding.

Hold real and personal estate SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of education. [*Approved by the Governor, April 7, 1854.*]

Chap. 237 An Act to incorporate the Proprietors of the Farnsworth House.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Simon Farnsworth, Asa H. Waters, Simon Dudley, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Farnsworth House, in the town of Millbury; for the purpose of erecting and maintaining in said town, buildings necessary and convenient for a public house; with all the powers and privileges, and subject to all the duties, liabilities and re-

Purpose.

Powers, duties, &c.

strictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel-keeping, or be interested in said business. Proviso.

SECT. 2. Said corporation may purchase and hold real and personal estate necessary for its use, not exceeding in amount thirty-thousand dollars: and *provided, also*, that no shares in its capital stock shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. Hold real and personal estate
No shares to be issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1854.*]

An Act in addition to An Act concerning County Debts.

Chap. 238

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The provisions of section second of chapter three hundred and ten of the Acts of eighteen hundred and fifty-three, shall not restrict county commissioners in the exercise of their power to locate and construct highways, and to contract debts or liabilities for their respective counties for such purposes. [*Approved by the Governor, April 10, 1854.*] County commissioners not restricted, &c.

An Act to incorporate the Lawrence Paper Company.

Chap. 239

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Wiley Edmands, J. Huntington Wolcott, Charles A. Parker, their associates and successors, are hereby made a corporation, by the name of the Lawrence Paper Company, for the purpose of manufacturing paper in the city of Lawrence, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Powers, duties, &c.

SECT. 2. The capital stock of said company shall not exceed two hundred thousand dollars; and such portion of the same may be invested in real estate as the said company shall deem expedient. Capital stock.

SECT. 3. No shares in the capital stock of the said corporation, shall be issued for a less sum or amount, to be No shares to be issued under par.

actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 10, 1854.*]

Chap. 240 An Act to incorporate the Worcester Five Cents Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Charles L. Putnam, George T. Rice, Ichabod Washburn, George W. Richardson, Clarendon Harris, E. B. Stoddard, Edward Earle, Edward W. Lincoln, Edward E. Hale, Henry Chapin, Alvin Waite, Charles L. Knowlton, Harrison Bliss, Charles Paine, James Green, their associates and successors, are hereby made a corporation, by the name of the Worcester Five Cents Savings Bank, to be established in the city of Worcester; with all the powers
Powers, duties, and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings.
&c.

Deposits. SECT. 2. Said corporation shall receive on deposit, sums as small as five cents.

Trustees may pay to minors. SECT. 3. Whenever any deposit shall be made, by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have
Minor's receipt valid. authorized the drawing of the same; and the check, receipt, or acquittance of such minor, shall be as valid, as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally, by said minor.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1854.*]

Chap. 241 An Act to incorporate the Millbury Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. Jonathan A. Pope, Simon Farnsworth, Elias Forbes, Benjamin Flagg, Thomas H. Wetherbee, J. E. Bacon, Simon Dudley, Samuel D. Torrey, Asa H. Waters, J. U. Smith, David Atwood, C. E. Miles, D. B. Sibley, E. W. Goffe, J. H.

Benchley, their associates and successors, are hereby made a corporation, by the name of the Millbury Savings Bank, to be established and located in the town of Millbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. [Approved by the Governor, April 10, 1854.] Powers, duties, &c.

An Act to incorporate the Milford Gas Light Company.

Chap. 242

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. O. Underwood, Aaron Claflin, W. A. Hayward, their associates and successors, are hereby made a corporation, by the name of the Milford Gas Light Company, for the purpose of erecting gas works, and manufacturing gas, in the town of Milford, in the county of Worcester, and supplying said town, and the citizens thereof, with the same; with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators. Powers, duties, &c.

SECT. 2. Said corporation may take and hold such real and personal estate as may be necessary for the purposes aforesaid, but the capital stock of said company shall not exceed one hundred thousand dollars; and no shares in its capital stock shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. Capital stock.

SECT. 3. The said corporation, with the consent of the selectmen of the said town, shall have power and authority to open the ground in any part of the streets, lanes and highways of the said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however,* that the said selectmen, for the time being, shall, at all times, have the power to regulate, restrict and control, the acts and doings of the said corporation, which may, in any manner affect the health, safety or convenience of the inhabitants of said town. May open the ground, lay pipes, &c. Provided, &c.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 10, 1854.]

Chap. 243

An Act to incorporate the New England Paper Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John W. Barbour, Ebenezer Rhoades, James S. Barbour, their associates and successors, are hereby made a corporation, by the name of the New England Paper Company, for the purpose of manufacturing paper hangings, in the city of New Bedford, in the county of Bristol; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities, &c.

Real estate,
\$30,000;
capital,
\$100,000.

SECT. 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of thirty thousand dollars, and the capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1854.*]

Chap. 244

An Act authorizing the County Commissioners of the County of Middlesex to lay out a Highway and construct a Bridge over Mystic River, in the Towns of West Cambridge and Medford, in said County.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Highway and
bridge.

SECT. 1. The county commissioners of the county of Middlesex are hereby authorized and empowered, if in their opinion the public necessity and convenience require it, to lay out a highway and construct a bridge across Mystic River, in the towns of West Cambridge and Medford, in said county, at some place to be determined by them, between Weare Bridge, so called, on the old road leading from Medford to West Cambridge, and the aqueduct by which the Middlesex Canal formerly crossed said river. Said commissioners, in laying out and constructing said road and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways.

When finished.

SECT. 2. The said commissioners shall locate said highway on or before the first day of June next, and shall build and finish the said highway and bridge, for public travel, within one year from the passage of this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1854.*]

An Act to incorporate the South End Savings Bank, in Boston. *Chap. 245*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John T. Dingley, William Dall, Joseph P. Pond, ^{Corporators.} Stephen Sargent, Stephen Childs, Otis Bullard, James Molineux, their associates and successors, are hereby made a corporation, by the name of the South End Savings Bank, to be established and located south of the Boylston Market, in the city of Boston, in such place as will best accommodate that part of Boston called the South End; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of Revised Statutes, and in all other laws of the Commonwealth relating to institutions for savings. [*Approved by the Governor, April 10, 1854.*] ^{Powers, duties, &c.}

An Act to confirm the Boundary Line between Reading and Lynnfield. *Chap. 246*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The boundary line between the town of Reading, in the county of Middlesex, and the town of Lynnfield, in the county of Essex, shall be confirmed and established as follows: Beginning at a stone monument on land of Caleb Wakefield, at the point where the towns of Reading, South Reading and Lynnfield meet; thence northerly in a straight line to a stone monument by the swamp at a point where the lands of Caleb Wakefield, Caleb Green, and the heirs of Moses Richardson meet; thence northerly in a straight line to a stone monument by the swamp on land of Jacob Wiley; thence north-easterly in a straight line to a stone monument by the swamp on land of John Perkins; thence easterly in a straight line to a stone monument near the swamp on land of David Taylor; thence northerly in a straight line through Tophet Swamp, so called, to a stone monument on land of Israel A. Parsons, at a point where the towns of Reading, Lynnfield, and North Reading meet. ^{Boundary line established.}

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1854.*]

Chap. 247 An Act to incorporate the Boston Gas Meter Manufacturing Company

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George Darracott, James Clark, James R. Darracott, their associates and successors, are hereby made a body corporate, by the name of the Boston Gas Meter Manufacturing Company, for the purpose of manufacturing gas meters, burners, and other gas apparatus, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties, &c.

Real estate,
\$30,000;
capital,
\$100,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the value of thirty thousand dollars, and the whole capital stock of said company shall not exceed one hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. [Approved by the Governor, April 10, 1854.]

Chap. 248 An Act to incorporate the People's Five Cents Savings Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Isaac F. Shepard, Samuel Greele, John P. Bigelow, Luther V. Bell, William D. Ticknor, Benjamin Seaver, John S. Sleeper, Samuel A. Eliot, F. W. Lincoln, Jr., Francis O. Watts, Cornelius Driscoll, George R. Sampson, John L. Dimmock, W. R. Sumner, J. W. Converse, Henry T. Parker, their associates and successors, are hereby made a corporation, by the name of the People's Five Cents Savings Bank, to be established in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Powers, duties, &c.

Deposits.

SECT. 2. Said corporation shall receive, on deposit, sums as small as five cents.

Trustees may
pay to minors.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to

him, or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor. Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 11, 1854.*]

An Act to establish a Police Court in the City of Roxbury.

Chap. 249

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. A Police Court is hereby established in the city of Roxbury, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice. Police Court established.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors, committed within said city of Roxbury, whereof justices of the peace now have or may hereafter have jurisdiction; also of all suits and actions which may now or at any time hereafter be heard, tried and determined before any justice of the peace in the county of Norfolk, whenever all the parties shall reside in Roxbury, and service of the writ shall be had on the defendant in said county; but the jurisdiction of the court of common pleas shall not be affected by this act. The said court shall have original and concurrent jurisdiction, with justices of the peace in said county of Norfolk, over all crimes, offences, and misdemeanors whereof justices of the peace within said county now have or may have jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Norfolk. Jurisdiction.

SECT. 3. An appeal shall be allowed from all judgments of said police court in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel to any party in any cause which may be pending in said court, or which shall have been heard, tried, or examined therein. Appeal allowed.

SECT. 4. The justice of said court shall receive an annual salary of not less than one thousand dollars, the amount of Compensation of justice.

which, if above that sum, shall be determined not oftener than once in each year by the concurrent vote of the two branches of the city council of said city; and said salary shall be paid in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said justice.

May appoint
a clerk.

SECT. 5. The city council of Roxbury shall, immediately after the acceptance of this act as herein-after provided, and hereafter in the month of May annually, and whenever a vacancy shall occur, choose by ballot, in convention of the two branches, a clerk of said court, who shall be paid for his services as herein-after provided; and in case of his death or absence, the court shall appoint a clerk *pro tempore*, who shall act until the standing clerk shall resume the duties of his office or another shall be chosen as herein provided. Said clerk *pro tempore* shall receive the same rate of compensation for his services as the standing clerk, to be paid out of the salary of said standing clerk.

To be sworn
and give bond.

SECT. 6. The clerk shall be sworn to the faithful performance of the duties of his office, and shall give bond to the city of Roxbury in such sum as the mayor and aldermen of said city shall from time to time determine, with a surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office. And he shall receive in full compensation for all his services as clerk, except for certificates and copies of papers and proceedings of said court, an annual salary of not less than four hundred dollars, the amount of which, if above that sum, shall be fixed not oftener than once in each year by concurrent vote of the city council; and said salary shall be paid quarterly from the treasury of the city of Roxbury.

Salary.

Fines, costs,
&c., how dis-
posed of.

SECT. 7. All fines and forfeitures and all costs in criminal prosecutions in said court shall be received by the clerk, and shall be by him accounted for and paid over to the same persons in the same manner and under the same penalties as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid in like manner as is provided in case of justices of the peace.

Court how of-
ten to be held.

SECT. 8. A court shall be held by said justice at some suitable place in said city of Roxbury, to be provided at the expense of said city, on every day of the week, Sundays excepted, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes,

offences, and misdemeanors, and on one day in each week, to be appointed and made known by said justice, for the entry and trial of civil actions. And the said justice may adjourn said court as justices of the peace may now adjourn the same hearings or trials, and he shall from time to time establish all necessary rules for the orderly and uniform conducting of the business of the court.

SECT. 9. The clerk shall attend all sessions of the said court, whether for the transaction of civil or criminal business, and shall keep a fair record of all the proceedings of said court; he shall make all warrants, writs, and processes which shall be ordered by said court, and shall make return to the several courts of all legal processes and the doings of the court therein, in the same manner as justices of the peace are now by law required to do. Shall keep a fair record and make return.

SECT. 10. All fees and charges of said justice, both in civil and criminal proceedings, shall be received by the clerk and by him accounted for quarterly to the treasurer of said city of Roxbury, and shall forthwith be paid into the treasury of said city. Fees paid to treasurer.

SECT. 11. The clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever before said court, nor in any which shall have been heard, tried, or examined therein. Clerk not to be counsel.

SECT. 12. The jurisdiction of said police court shall not be limited, by reason of any interest on the part of the justices of said court, in the payment of fines and costs into the treasury of said city of Roxbury or county of Norfolk. Jurisdiction not limited.

SECT. 13. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court, either of whom shall have power, in case of the absence, sickness, interest, or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. And said special justices shall be paid for the services as performed by them, out of the salary of the standing justice, such sum as the standing justice would be entitled to for the same service. Two special justices.

SECT. 14. All suits, actions and prosecutions which shall be pending within said city of Roxbury, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed. How paid.

SECT. 15. The governor shall have power, by and with the advice and consent of the council, to appoint said stand- Pending suits.
Appointment of justices.

ing and special justices at any time after receiving notice of the acceptance of this act by the city council of Roxbury.

Act to be accepted by the city.

SECT. 16. This act shall be void unless the city council of Roxbury shall accept the same within sixty days from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 250 An Act to permit Jesse Y. Baker, and Simeon Baker, 2d, to Bed Oysters in Mystic River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Right to bed oysters.

Jesse Y. Baker, and Simeon Baker, 2d, are hereby permitted to bed oysters, in so much of the flats in Mystic River as the Commonwealth is interested in, between the two channels westerly of the draw, where the Boston and Maine Railroad crosses the said Mystic River, bounded easterly by a line drawn from channel to channel, seventy-five rods on said channels, westerly of the said railroad, northerly and southerly on said two channels, and westerly by a line so drawn, north and south, from channel to channel, as to divide into two equal quantities, the flats lying between the channels to the west of the said first-mentioned line, so long as said flats are not wanted for the purposes of the Commonwealth, or until the permission hereby granted is otherwise terminated: *provided*, that the said use of said flats, or the provision of this act shall, in nowise interfere with the navigation, or with the private rights of any person or persons whatever. [*Approved by the Governor, April 12, 1854.*]

Proviso.

Chap. 251 An Act to continue in force the several Acts concerning the Warren Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Acts extended.

SECT. 1. The seventy-first chapter of the acts passed in the year one thousand eight hundred and thirty-five, entitled "An Act to incorporate the Warren Insurance Company," the sixth chapter of the acts passed in the year one thousand eight hundred and thirty-six, entitled "An Act authorizing the Warren Insurance Company to increase its capital stock," and the seventy-seventh chapter of the acts

passed in the year one thousand eight hundred and forty-two, entitled "An Act in addition to An Act concerning the Warren Insurance Company," shall, each and all of them, be and remain in force for the term of twenty years from and after the twenty-seventh day of March, in the year one thousand eight hundred and fifty-five, and said Warren Insurance Company shall be continued during said term, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent general laws of this Commonwealth, that have been, or may be passed, in relation to similar corporations.

Duration.

Powers, duties, &c.

When to take effect.

SECT. 2. This act shall take effect as soon as the same shall have been accepted by a majority of the stockholders of said Warren Insurance Company, present and voting at their annual meeting in the month of April in the current year, or at a meeting called for the purpose. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the City Flour Mills, at Newburyport.

Chap. 252

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry Bartlett, James Horton, Joseph B. Morss, their associates and successors, are hereby made a corporation, by the name of the City Flour Mills, at Newburyport; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers, duties, &c.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the value of twenty thousand dollars, and the whole capital stock of said company, shall not exceed the sum of one hundred thousand dollars.

Real estate, \$20,000; capital, \$100,000.

SECT. 3. No shares in the capital of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. [*Approved by the Governor, April 12, 1854.*]

No shares to be issued under par.

Chap. 253 An Act to incorporate the Star Mutual Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Timothy Davis, George H. Folger, Henry Lincoln, their associates and successors, are hereby made a corporation, for the term of twenty-eight years, by the name of the Star Mutual Insurance Company, in the city of Boston, for the purpose of making insurance against maritime losses, and losses by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all subsequent laws in force, or which may hereafter be passed, relating to mutual insurance companies, so far as the same may be applicable to the corporation hereby created.

Duration.

Purpose.

Powers, duties, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 254 An Act in relation to the Hancock Free Bridge Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to convey wharf. **SECT. 1.** The Hancock Free Bridge Corporation is hereby authorized to convey, in fee simple, the Pier Wharf, in Boston, on the south side of the West Boston Bridge, to Joseph Coolidge, who is owner of the estate abutting on that side of said bridge; and the sum received for said pier, shall reduce to the same extent, the amount which said corporation is authorized to collect from tolls.

Sum to reduce tolls.

To make solid, &c. **SECT. 2.** Said corporation is also hereby authorized to make solid, that part of said bridge which is east of the commissioners' line, in Boston; and the said Coolidge is also authorized to make solid that part of his estate, and said pier wharf that is east of said line: *provided, however,*

Proviso.

that this act shall not affect the rights of any person or persons, or corporation, other than said Hancock Free Bridge Corporation, and said Coolidge and his representatives.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the Vineyard Bank, at Edgartown.

Chap. 255

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Leavitt Thaxter, Abraham Osborn, Benjamin Worth, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Vineyard Bank, to be established in Edgartown, and shall so continue, until the first day of October, in the year one thousand eight hundred and seventy-five; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking. Corporators.
Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided, however, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.* Capital stock.
Proviso.
Transfer of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, April 12, 1854.*] Subject to future laws.

An Act to incorporate the American Cordage Company.

Chap. 256

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Mower, Lyman Kinsley, Gustavus V. Hall, their associates and successors, are hereby made a corporation, by the name of the American Cordage Company, for the purpose of manufacturing cordage, to be located in the city of Boston, and the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Purpose.
Powers, duties, &c.

SECT. 2. The said corporation may hold real estate, to the amount of one hundred thousand dollars, and personal estate to the amount of two hundred thousand dollars, necessary and convenient for the purpose aforesaid. Hold real and personal estate

No shares to be issued under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 257

An Act to establish the City of Fall River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fall River to be a city.

SECT. 1. The inhabitants of the town of Fall River shall continue to be a body politic and corporate, under the name of the City of Fall River, and as such, shall have, exercise and enjoy, all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to, the said town, as a municipal corporation.

Government.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor; one council of six, to be called the board of aldermen; and one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective offices. A majority of each board shall constitute a quorum for doing business.

City divided into wards.

SECT. 3. It shall be the duty of the selectmen of Fall River, as soon as may be after the passage of this act, and its acceptance by the inhabitants, as herein-after provided, to divide the said town into six wards, to contain, as nearly as conveniently may be, an equal number of legal voters, which proceedings of the selectmen shall be subject to the revision of the city council, within one year after the pas-

To revise wards

sage of this act. And it shall be the duty of the city council, once in five years, and not oftener, to revise, and if it be needful, to alter the said wards, and increase their number, in such manner as to preserve, as nearly as may be, an equal number of legal voters in each ward: *provided, however,* that in case the number of wards shall be increased, each ward shall continue to be entitled to elect one alderman and three members of the common council, any thing in the second section of this charter to the contrary notwithstanding.

Proviso.

SECT. 4. On the first Monday in March, annually, there shall be chosen by ballot, in each of the said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such wardens to preside at all ward meetings, with the power of moderators of town meetings; and if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and if, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot; and if both the warden and clerk shall be absent, either of the inspectors of said ward may call the meeting to order, and preside till a warden and clerk *pro tempore* shall be chosen as aforesaid. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office, all such records and journals, together with all other documents and papers held by him in the said capacity. And it shall be the duty of the inspectors of elections, to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol; and the fact, or certificate that such oath has been taken, shall be entered on the record of the ward by the clerk thereof. All warrants for meetings of the citizens, for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned, in such manner, and at such times, as the city council may, by any by-law, direct.

Election of
city officers.

In absence of
warden, clerk
to preside.

Clerk *pro tem.*
may be chosen.

Duties of in-
spectors.

Oaths, how ad-
ministered.

Warrants for
meetings, how
issued, &c.

SECT. 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and one alderman and three common councilmen shall be elected from and by the voters of each ward, being residents in the wards where elected. All the said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April, and until others shall be elected and qualified.

Election of
mayor, &c.

SECT. 6. On the first Monday of March, annually, the

Proceedings at
elections.

qualified voters in each ward shall give in their votes for mayor, alderman, and common councilmen, as provided in the preceding section; and all the votes so given shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words, at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected alderman and members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided*, that in all cases, the persons having the greatest number of votes for their respective offices shall be deemed and declared to be elected; and if the choice of alderman and common councilmen shall not be effected on that day, by reason of two or more persons having received an equal number of votes for the same office, the meeting may be adjourned, from time to time, to complete such election.

Certificates of election.

Proviso.

The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person that shall have received the greatest number of votes for mayor, to be notified, in writing, of his election; but if it shall appear that no person has been elected, by reason of two or more having received an equal number of votes, or if the person so elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein-before provided for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.

Mayor to be notified.

Proceedings in case of failure to elect.

In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the boards of aldermen and common council shall, respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill such vacancy; and the mayor thus elected, shall hold his office until the inability causing the vacancy shall be removed, or until a new election.

Vacancies, how filled.

The oath prescribed by this act, shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Bristol.

Oath of office.

The aldermen and common councilmen elect, shall, on the first Monday in April, at ten o'clock in the forenoon, meet

in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Bristol; and a certificate of such oath having been taken, shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

After the oath has been administered, as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, who shall be sworn to the faithful performance of their duties.

Organization
of common
council.

In case of the absence of the mayor elect, on the first Monday of April, the city government shall organize itself in the manner herein-before provided, and may proceed to business, in the same manner as if the mayor were present; and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Proceedings in
absence of
mayor.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Mayor *pro tem*.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of an election, or in case of any vacancy, declared by either board, the mayor and aldermen shall order a new election.

Each board to
keep record.

SECT. 7. The mayor, thus chosen and qualified, shall be the chief executive officer of the said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary, in his opinion, by causing written notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures as, in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only.

Duty of mayor.

SECT. 8. The executive power of the said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen and overseers of the poor of Fall River, shall be vested in, and may be exercised by, the mayor and aldermen, as fully as if the same were herein specially enumerated. And the mayor shall receive

Executive
power of mayor
and aldermen.

Compensation.

five hundred dollars, and the aldermen fifty dollars each, per annum, for their services, until otherwise determined by the city council; but the amount of such compensation shall not be increased nor diminished during the term for which each shall respectively have been elected. But the members of the common council shall receive no compensation. The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables and all other police officers, and the same to remove at pleasure.

Bonds required
of constables,
&c.

And the mayor and aldermen may require any person who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Powers of
mayor, &c.

All other powers now vested in the inhabitants of the said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city treasurer, collector of taxes, assessors, city clerk, school committee, and firewards or engineers, and shall, in such manner as the said city council may determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of the Commonwealth.

Appointment
of officers.

Sittings to be
public.

All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public when they are not engaged in executive business.

Safe keeping of
city property.

The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and

for the use of the city, whenever its interest or convenience may, in their judgment, require it.

And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection. No person shall be eligible to any office of emolument the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Mayor to nominate, &c.

SECT. 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers by law incumbent upon, or vested in the town clerk of the town of Fall River, and may be removed at the pleasure of the city council.

Duty of city clerk.

SECT. 11. The assessors to be chosen, as herein-before provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise or are subject to under existing laws, and shall be sworn to the faithful performance of their duty.

Assessors to be sworn.

All taxes shall be assessed, apportioned and collected, in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Taxes.

SECT. 12. An act establishing the fire department in the town of Troy, (now Fall River,) passed March sixteenth, in the year one thousand eight hundred and thirty-two, is hereby repealed.

Act repealed.

The city council of the city of Fall River may establish a fire department for said city, to consist of a chief engineer, and so many assistant engineers, and so many engineers, hosemen, hook and ladder men, as the city council by ordinance shall, from time to time, prescribe; and said city council shall have authority to make such provisions in re-

Fire department.

gard to the time and mode of appointment, and the occasion and mode of removals, of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances, as they shall deem expedient: *provided*, that the appointment of engine-men, hosemen, and hook and ladder men, shall be made by the mayor and aldermen exclusively.

Proviso.

Duty of engineers.

The engineers and other officers of the fire department, so appointed as aforesaid, shall have the same authority, in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties now incumbent upon firewards, as are now conferred upon firewards by the Revised Statutes now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And said city council are hereby authorized to make suitable ordinances upon the latter subject, under the penalties enacted in the city charter.

List of jurors.

SECT. 13. The list of jurors shall be prepared by the mayor and aldermen, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

Drawing of jurors.

The mayor and aldermen and city clerk shall severally have and exercise all the powers and duties, with regard to the drawing of jurors in the city, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks in their respective towns; and all *venires* for jurors to be returned from Fall River, shall be served on the said mayor and aldermen.

May lay out streets, &c.

SECT. 14. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter or discontinue, any street or town-way, and to estimate the damages any individual may sustain thereby;

and any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Bristol, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now by law provided in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of the Revised Statutes.

SECT. 15. The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer; and the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

May dig drains, &c.
Measurement of wood, &c.

SECT. 16. All power and authority now vested by law, in the board of health for the town of Fall River, or in the selectmen thereof, shall be transferred to, and vested in, the city council, to be by them exercised in such manner as they may deem expedient.

Health officers

SECT. 17. The mayor and aldermen shall, in each year, issue their warrant for calling meetings for the election of the whole number of representatives to the general court, to which the said city is by law entitled, and the number shall be specified in the warrant.

Election of representatives.

SECT. 18. All elections for county, State, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for such officers respectively, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward records in words, at length. The ward clerk shall, forthwith, deliver to the city clerk a certified copy of the record of such elections. The city clerk shall, forthwith, record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which

County, state and federal officers.

shall be transmitted or delivered in the same manner as similar returns are, by law, directed to be made by selectmen of towns; and in all elections for representatives to the general court, in case the whole number proposed to be elected, shall not be legally chosen, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

List of voters. SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists, so prepared and corrected, to the clerks of the said wards, to be used at such elections; and shall cause copies thereof to be posted up in not less than three places in said wards at least seven days prior to such elections; and no person shall be entitled to vote whose name is not borne on such lists: *provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter and before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered.

Meetings of the citizens. SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

By-laws. SECT. 21. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court or other authority whatever: *provided*, that all such by-laws or ordinances shall be presented to the mayor for his approval; which if he ap-

Proviso.

prove, he shall sign, if not, he shall return to the city council with his objections, for a reviewal, within one week, and if again passed by a majority of each board, it shall become a law. And *provided, also*, that all laws and regulations now in force in the town of Fall River shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury. Provided, also.

SECT. 22. All fines, forfeitures and penalties, accruing for the breach of any by-laws of the city of Fall River, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court of the said city of Fall River, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Bristol, from the judgment and sentence of the police court; and the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth; and it shall be sufficient, in all such prosecutions, to set forth in the complaint, the offence fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof. Fines, &c. how recovered.

Right of appeal.

All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Fall River, and shall enure to such uses as the said council shall direct. Complaints, how set forth.

Fines paid to city treasurer.

When any person, upon any conviction before the police court for any breach of any by-law of the said city of Fall River, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance or order, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior, and upon not paying the fine, penalty, or forfeiture and cost so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, Refusal to pay fines, how punished.

forfeiture or penalty, and costs, or be otherwise discharged according to law.

Applies to
town by-laws.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Fall River, which may continue in force after this act shall go into operation, and all the powers of the police court already established shall be continued to it.

First organiza-
tion.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Fall River, for the time being, shall, within thirty days after the acceptance of this act, issue their warrants, seven days at least previous to the day so appointed, for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of each ward, at such first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and in case the said elections should not be completed at the first meeting, then to issue new warrants, until such elections shall be completed, and to give notice thereof, in the manner herein-before provided, to the several persons elected.

First meeting,
how organized.

And at the said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein-before provided. And the selectmen shall appoint such time for the first meeting of the city council, as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and fifty-four, and shall also fix upon the place and hour of the said first meeting, and a written notice thereof shall be sent, by the said selectmen, to the place of abode of each of the city officers chosen, as provided in this section.

Subsequent or-
ganizations.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council for

the purpose of organization, shall remain, as provided in the sixth section of this act. And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others shall be chosen and qualified.

SECT. 24. All officers of the town of Fall River having the care and custody of any records, papers, or muniments of property, belonging to the said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Delivery of records, &c.

SECT. 25. The annual town meeting of the town of Fall River, which by law is to be held in March or April, is hereby suspended, and all town officers now in office shall hold their places until this act shall take effect, and their successors are chosen and qualified.

Town meeting suspended, &c

And in case this act shall not be accepted as herein-after provided, the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not passed. The warrant for calling the said town meeting shall be issued within seven days from the rejection of this act, provided the same shall not be accepted.

Proceedings in case this act is not accepted.

SECT. 26. All such acts, and parts of acts, as are inconsistent with the provisions of this act shall be, and the same are, hereby repealed.

Inconsistent acts repealed.

SECT. 27. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient.

Legislature may amend.

SECT. 28. This act shall be void, unless the inhabitants of the town of Fall River, at a legal meeting called for that purpose, at which the selectmen shall preside, and the check list be used in the same manner as at meetings called to choose state officers, and the polls be kept open at least six hours, shall, by a vote of the majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same, within twenty days from and after its passage.

Act void, unless, &c.

SECT. 29. This act shall go into operation from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 258

An Act relating to Religious Societies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Religious societies may avail, &c.

SECT. 1. Any corporation established for religious purposes, which shall have erected or procured for public worship, a meeting-house prior to the twenty-fifth day of March, in the year eighteen hundred and forty-five, may avail itself of the benefit of the general act, passed under that date, entitled "An Act relating to Religious Societies:" *provided*, that at a regular parish meeting, called for that purpose, they shall so decide, by a vote of two-thirds of the members present and voting thereon.

Proviso.

Society may purchase pews, &c.

SECT. 2. Any such religious society which shall vote to avail itself of the provisions of this act, as provided in section first, shall, upon the application of any person owning one or more pews in the meeting-house belonging to such society, purchase said pew or pews at the appraised value, and the appraisal shall be made by three disinterested persons, who may be chosen in the following manner, namely: one by the pew owner, one by the society, and the third by the two persons thus chosen: *provided, however*, that such application be made within one year after the said vote has been taken.

Proviso.

Societies complying, &c.

SECT. 3. Any religious society that shall have complied with the requisitions of this act, shall thereafter be entitled to all the privileges, and be subject to all the liabilities incident to those religious societies that have erected or procured for public worship, a meeting-house since the twenty-fifth day of March, in the year eighteen hundred and forty-five. [Approved by the Governor, April 12, 1854.]

Chap. 259 An Act in addition to An Act to incorporate the Berkshire Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May insure personal property.

SECT. 1. The Berkshire Mutual Fire Insurance Company is hereby authorized and empowered, to insure personal property, wherever situated, against loss or damage by fire, to an amount not exceeding three-fourths of its cash value, for a term not exceeding seven years; and all policies heretofore issued by said company, to insure personal property,

Duration.

are hereby confirmed and made valid, against any objection of want of authority in said company to insure such kind of property. Former policies valid.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the American Lead Works.

Chap. 260

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John M. Prince, David Elwell, George Adams, Corporators. their associates and successors, are hereby made a corporation, by the name of the American Lead Works, for the purpose of manufacturing the various articles of which lead and other metals are a component part, in the city of Boston, and town of Chelsea, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Purpose. Powers, privileges, &c.

SECT. 2. The said corporation may purchase and hold real estate necessary and convenient for the purposes aforesaid, not exceeding in amount, one hundred thousand dollars, and the whole capital stock of said corporation, shall not exceed two hundred and fifty thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. Real estate, \$100,000; capital, \$250,000. No shares to be issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act for the Protection of Province Lands, in Provincetown.

Chap. 261

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If any person shall pull up or destroy any beach-grass, bushes or pines, on the Province Lands, in Provincetown, in the county of Barnstable, to the injury of public or private property in said town, or to the injury of Provincetown Harbor, or if any person shall use any of the said lands for pasturage, without the consent, in writing, of the agent to be appointed, as herein-after mentioned, he shall forfeit and pay the sum of five dollars for the first Penalty for destroying beach grass, &c.

offence, and ten dollars for every subsequent offence, to be recovered on a complaint to any justice of the peace for said county of Barnstable.

Agent appointed.

SECT. 2. It shall be the duty of his excellency the governor, by and with the advice and consent of the council, immediately after the passage of this act, and in the month of February in each year thereafter, to appoint an agent, who shall be an inhabitant of Provincetown, and who shall be sworn to the faithful discharge of his duty, and who shall prosecute for the penalties before mentioned, and the same, when recovered, shall be for the use of said town; and the said agent may give written permits to take sods and brush from low and swamp-like places, and also for the purpose of pasturage, when, in his opinion, after he shall have made a personal examination of the place applied for, such permits may be granted without causing injury to Cape Cod Harbor, or to any public or private property. For each permit granted by said agent, he shall receive from the party obtaining the same, the sum of one dollar. The said agent shall hold his office for one year, unless sooner removed by the governor and council.

May give permits, &c.

Committees to be chosen, &c.

SECT. 3. The said town of Provincetown shall, annually, elect a committee of three persons, who shall be sworn to the faithful discharge of their duty, and said town is hereby authorized to enter, by said committee, chosen as aforesaid, upon any of the Province Lands, enclosed or unenclosed, for the purpose of setting out pines, bushes, or grass, whenever said committee may deem it necessary for the preservation of said harbor, or of any highway on public or private property.

May set out pines, &c.

SECT. 4. Whenever, in the opinion of said committee, it shall become necessary, in consequence of any of the violations of the provisions of this act, to set out pines or beach-grass on any lot of said lands enclosed, the expense thereof shall be paid by the person or persons in the occupancy of the same; and in case of refusal, by any occupant, to pay such expense, it may be recovered by said committee in an action of contract, in any court proper to try the same.

Annual tax.

SECT. 5. The said town of Provincetown is hereby empowered, annually, to raise such sum of money as may be deemed necessary to defray the expenses of setting out pines or beach-grass on said Province Lands; and any sum raised for this purpose, shall be assessed and collected as other taxes now are.

Acts repealed.

SECT. 6. The act of April eighteenth, in the year eight-

een hundred and thirty-eight, entitled, "An Act for the Protection of the Province Lands in the town of Provincetown," and all other acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed, except that the committee, chosen by the town, under the provisions of said act, at their last annual meeting, shall hold their offices until the next annual meeting of said town for the choice of town officers; and said committee are hereby authorized to carry into effect the provisions of this act, as fully as if chosen by virtue of its provisions.

SECT. 7. This act shall not affect any complaint or action now commenced, or that shall be hereafter commenced, by virtue of said act of April eighteenth, in the year eighteen hundred and thirty-eight, before this act shall take effect, and the justice of the peace or the court before whom such complaint or action may be commenced, or pending at the time when this act shall take effect, shall have the same jurisdiction, power and authority, in respect to them, as they now have. Actions not affected.

SECT. 8. The title of the Commonwealth as owner, in fee, to all the Province lands within the town of Provincetown, is hereby asserted and declared, and no adverse possession or occupation thereof, by any individual, company, or corporation, for any period of time, shall be sufficient to defeat or divest the title of the Commonwealth thereto. Title declared.

SECT. 9. The provisions of the twelfth section of the one hundred and nineteenth chapter of the Revised Statutes shall not be held to apply to any of the Province Lands in said town of Provincetown. Sec. 12, ch. 119, R. S., not to apply, &c.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act in relation to the Hospital on Rainsford Island for State Paupers. *Chap. 262*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized and empowered to appoint three inspectors of the hospital on Rainsford Island, who shall receive each such salary as the governor and council may deem reasonable and proper, and shall be subject to removal by them for sufficient cause; and each of the inspectors shall visit the hospital once at least in each week. Inspectors appointed.

Duty.

SECT. 2. It shall be the duty of the inspectors to establish rules and regulations for the management and government of said hospital, subject to the approval of the governor, and to see that all such rules and regulations are enforced.

To complete repairs.

SECT. 3. The superintendent of Rainsford Island, and the inspectors of the hospital, under direction of the governor and council, are hereby authorized to complete the repairs upon the buildings, to build a wharf, and to provide the necessary means for conveyance to and from the same, as they may judge expedient: *provided, however*, that the expense thereof shall not exceed fifteen thousand dollars.

Proviso.

SECT. 4. All bills for expenditures on the island, whether for improvements or support of residents thereon, shall be presented to the state auditor at the close of each quarter, after approval by the inspectors.

Inconsistent act repealed.

SECT. 5. So much of the eleventh section of the two hundred and seventy-fifth chapter of the acts of 1852, as is inconsistent with the provisions of this act, is hereby repealed.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 263 An Act to permit Cornelius Hamblen and Cornelius Hamblen, Jr., to Bed Oysters in Mystic River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May bed oysters.

Cornelius Hamblen and Cornelius Hamblen, Jr., are hereby permitted to bed oysters in so much of the flats in Mystic River, as the Commonwealth is interested in, between the two channels, westerly of the draw, where the Boston and Maine Railroad crosses the said Mystic River; bounded on the east by a line so drawn, north and south, from channel to channel, as to divide into two equal quantities, the flats that lie between the channels, to the west of a line drawn from channel to channel, seventy-five rods on each, westerly from the Boston and Maine Railroad, and from the ends of said first line, westerly on said channels to their point of meeting, so long as said flats are not wanted for the purposes of the Commonwealth, or until the permission hereby granted is otherwise terminated: *provided*, that the said use of said flats, or the provisions of this act shall, in

Proviso.

nowise, interfere with the navigation or with the private rights of any person or persons whatever. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the Lowell Five Cents Savings Bank, in Lowell. *Chap. 264*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Horatio Wood, Nathan Crosby, O. W. Stickney, Linus Child, Daniel S. Richardson, Benjamin Adams, Samuel Burbank, Joseph Butterfield, Isaac S. Morse, Charles B. Coburn, Samuel Fay, William A. Richardson, Francis Bush, their associates and successors, are hereby made a corporation, by the name of the Lowell Five Cents Savings Bank, to be established in the city of Lowell; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of the Commonwealth relating to institutions for savings. Corporators.
Powers, privileges, &c.

SECT. 2. Said corporation shall receive on deposit, sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made, by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees may pay to minors.
Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the Proprietors of Lawrence Bridge. *Chap. 265*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George L. Davis, Charles Furber, Jarvis Slade, their associates, successors and assigns, are hereby made a corporation, by the name of the Proprietors of Lawrence Bridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the Corporators.
Powers, duties, &c.

thirty-eighth and forty-fourth chapters of the Revised Statutes.

May erect
bridge, &c.

SECT. 2. The said corporation is hereby authorized and empowered to erect a bridge over Merrimack River, at the southerly terminus of Union Street, in the city of Lawrence, and to purchase and hold such real estate as may be proper for the purpose; and said bridge shall be well built of suitable materials, at least twenty-eight feet wide, and covered with planks, with sufficient rails on each side for the protection of passengers travelling thereon, and shall be kept in good repair at all times.

Width.

Rates of toll.

SECT. 3. A toll is hereby granted to said proprietors, and is established at the following rates, viz.: For each horse and rider, four cents; for each horse or ox led, two cents; for each wagon, sleigh, or other vehicle, drawn by one horse, five cents; for each coach, wagon, sleigh, or other vehicle, drawn by two horses, ten cents; and for each additional horse, two cents; for each cart, wagon or sled, drawn by two oxen, seven cents; and for each additional yoke of oxen, four cents; for droves of neat cattle or horses, one-half cent each; for droves of swine or sheep, one-fourth cent each; but all persons who shall have occasion to pass said bridge to perform military duty, or duty as firemen, or to attend at their usual place of public worship on the Lord's day, shall pass, with their necessary carriages and horses, free from toll.

Continuance of
tolls.

SECT. 4. The said tolls shall commence on the day of the opening of said bridge for travel, and shall continue for the term of thirty years thereafter; and at the place of receiving said tolls, there shall be constantly exposed to view, a sign-board, with said rates of toll fairly and legibly printed thereon.

Accounts to be
filed.

SECT. 5. The said corporation, at the time of the opening of said bridge for travel, or as soon as may be thereafter, shall cause a true account of the expenses of building the same; and also, at the end of every three years thereafter, a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

May commute
tolls.

SECT. 6. The said corporation may, if it see cause, commute said rates of toll with any person or persons, by taking of him or them a certain less sum, payable at any stated periods, instead of the toll aforesaid; or by taking of all persons less rates of toll than as before specified, public

Notice given.

notice of their intention so to do, being first given, by pub-

lishing the same three weeks, successively, in any newspaper printed in the county of Essex; and the legislature may, at any time hereafter, regulate the tolls on said bridge, as they may deem expedient.

SECT. 7. The said city of Lawrence, or the county commissioners of the county of Essex, at any time after five years from and after the opening of said bridge for travel, may purchase the same for the purpose of making it free, by paying to the proprietors thereof, such sum therefor as shall be necessary to reimburse them the amount of money by them expended in building said bridge, and all other necessary expenses, together with eight per cent. annual interest thereon: *provided, however*, that said city, or said county commissioners, as the case may be, shall, at the same time, purchase or offer to purchase, Andover Bridge, in said Lawrence, for the purpose of making it also free, by paying or tendering to the proprietors thereof, such sum therefor as a board of three disinterested and discreet persons, to be appointed for that purpose by the justices of the court of common pleas, shall, on hearing the parties, deem just and reasonable; and the said proprietors, on the receipt of said sum, shall transfer their right and interest in said bridge or bridges, to said city or county commissioners as aforesaid, and thereafter the same shall be forever free, and the proprietors exonerated from any further obligation enforced by their respective acts of incorporation.

May purchase bridge, &c.

Proviso.

SECT. 8. This act shall be of no effect, if the corporation, hereby created, shall neglect, for the space of three years from the passing hereof, to build and finish said bridge. [*Approved by the Governor, April 12, 1854.*]

Act, how made void.

An Act authorizing the County Commissioners of the County of Bristol to lay out a Highway and construct a Bridge over Broad Cove.

Chap. 266

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The county commissioners of the county of Bristol are hereby authorized and empowered to lay out a highway and construct a bridge over Broad Cove, so called, on Taunton River, in the towns of Somerset and Dighton, in said county, at such place as the public convenience and necessity require: *provided*, that in laying out said highway and constructing said bridge, said county commissioners shall, in all respects, proceed according to the laws regulating the laying out and constructing of public highways.

Bridge in Somerset.

Proviso.

When to be
finished.

SECT. 2. Said highway shall be laid out, and said bridge shall be constructed and open for public travel, within three years from the passage of this act.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 12, 1854.]

Chap. 267

An Act to incorporate the Revere Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Samuel S. Perkins, James M. Keith, John B. Bridgman, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Revere Insurance Company, to be established in the city of Boston, for the purpose of making insurance against losses by fire, and maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now, or may hereafter be in force, relative to insurance companies.

Duration.

Powers, privi-
leges, &c.

Capital,
\$100,000.

Shares of \$100.

May increase
to \$300,000.

Real estate,
\$20,000.

SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same, to an amount not exceeding three hundred thousand dollars, and may hold real estate, for its use, not exceeding twenty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 12, 1854.]

Chap. 268

An Act to change the Name of the Serpentine Paint and Fire Brick Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed

SECT. 1. The Serpentine Paint and Fire Brick Company shall hereafter be called and known by the name of the Hampden Paint and Chemical Company.

Additional
power.

SECT. 2. Said company are hereby authorized, in addition to the powers heretofore conferred on them, to manufacture chemicals.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 12, 1854.]

An Act to incorporate the Congregational Library Association, of Boston. *Chap. 269*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Rufus Anderson, Joseph S. Clark, Julius A. Palmer, their associates and successors, are hereby made a corporation, by the name of the Congregational Library Association, of Boston, for the purpose of establishing and perpetuating a library of the religious history and literature of New England, and for the erection of a suitable building for the accommodation of the same, and for the use of charitable societies; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Purpose.
Powers, privileges, &c.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, to an amount not exceeding, in the whole, one hundred and fifty thousand dollars, the income whereof shall be devoted to the aforesaid purposes. *[Approved by the Governor, April 12, 1854.]* \$150,000 real and personal estate.

An Act establishing the Salaries of the Warden, Deputy-Warden, Chaplain, and Inspectors of the State Prison. *Chap. 270*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The salaries of the warden, deputy-warden, chaplain, and inspectors of the State Prison, shall be as follows, to wit: the warden shall have eighteen hundred dollars; the deputy-warden, twelve hundred dollars; the chaplain, ten hundred dollars; and the inspectors two hundred dollars each, per year; which sums shall be paid in quarterly payments, by the warden, out of the treasury of the Prison, and shall be in full for all services; and no other perquisite, reward or emolument, shall be allowed to, or received by, either of them, except that there shall be allowed to the warden and deputy-warden sufficient house room, with fuel and light for themselves and families. Salaries established.

SECT. 2. All acts and parts of acts inconsistent with this act, are hereby repealed. Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 12, 1854.]*

Chap. 271 An Act in addition to An Act to incorporate the Granite Railway Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

11th sec. of former act repealed.

SECT. 1. The eleventh section of an act passed on the fourth day of March, in the year eighteen hundred and twenty-six, entitled "An Act to incorporate the Granite Railway Company," whereby the stockholders in said company are made liable, in their persons and estates, for all debts contracted by said corporation, is hereby repealed: *provided, however*, that this act shall not affect contracts made before this act takes effect.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 272 An Act to permit Simeon Baker and William S. Baker to Bed Oysters in Mystic River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Simeon Baker and William S. Baker are hereby permitted to bed oysters, in so much of the flats in Mystic River as the Commonwealth is interested in, commencing at the draw where the Boston and Maine Railroad crosses the said Mystic River, thence southerly to the second channel, and on both channels, easterly to their point of meeting; so long as said flats are not wanted for the purposes of the Commonwealth, or until the permission, hereby granted, is otherwise terminated: *provided*, that the said use of said flats, or the provisions of this act shall, in nowise, interfere with navigation, or with the rights of any person or persons whatever. [*Approved by the Governor, April 12, 1854.*]

Proviso.

Chap. 273 An Act to permit Benjamin Baker and Benjamin S. Wright to Bed Oysters in Mystic River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Benjamin Baker and Benjamin S. Wright are hereby permitted to bed oysters, in so much of the flats in Mystic River as the Commonwealth is interested in, commencing

at the draw where the Boston and Maine Railroad crosses the said Mystic River, and extending westerly between and upon each of the two channels, a distance of seventy-five rods, and thence from channel to channel at the westerly termination of said two boundaries, so long as said flats are not wanted for the purposes of the Commonwealth, or until the permission, hereby granted, is otherwise terminated: *pro-* Proviso.
vided. that the provisions of this act, or the said use of the said flats shall, in nowise, interfere with the navigation, or with the private rights of any person or persons whatever.
[Approved by the Governor, April 12, 1854.]

An Act to incorporate the Hyde Park Company.

Chap. 274

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry Lyman, Wm. P. Barnard, Gordon H. Corporators.
 Nott, their associates and successors, are hereby made a corporation, by the name of the Hyde Park Company, for the purpose of carrying on the business of quarrying stone Purpose.
 and digging and removing sand and gravel, in the town of Dorchester; with all the powers and privileges, and subject Powers, duties, &c.
 to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. And the said corporation, for the purposes Real estate,
 aforesaid, may own real estate, not exceeding in value one \$150,000;
 hundred and fifty thousand dollars, and the capital stock of capital,
 said corporation shall not exceed three hundred thousand \$300,000.
 dollars; and no shares in the capital stock of said corpora- No shares to
 tion shall be issued for a less sum or amount, to be actually be issued un-
 paid in on each, than the par value of the shares first issued. der par.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 12, 1854.]*

An Act authorizing the County Commissioners of the County of Middlesex to lay out a Highway and construct a Bridge over Mystic River, in the Town of Medford.

Chap. 275

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The county commissioners of the county of Bridge in Med-
 Middlesex are hereby authorized and empowered to lay out ford.
 a highway and construct a bridge over Mystic River, in the

Proviso.

town of Medford, in said county, at such point between the bridge in the market-place in said town and the bridge of the Boston and Lowell Railroad as the public convenience and necessity require: *provided, however*, that said county commissioners shall cause said bridge to be so constructed as not materially to interrupt the flowage of the water in said river. Said commissioners, in laying out and constructing said road and bridge, shall in all respects proceed as is provided by law for laying out and constructing highways.

When to be completed.

SECT. 2. The said commissioners shall locate said highway, and complete and open the same for public travel, within two years from the passage of this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 276

An Act to incorporate the Upton Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Elijah Stoddard, Orra Wood, Elijah Nelson, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Upton Hotel, for the purpose of erecting a hotel, in the town of Upton, and maintaining such public house, and the buildings and appurtenances connected therewith; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel-keeping.

Powers, duties, &c.

Proviso.

Hold real and personal estate

No shares to be issued under par.

Transfer of stock.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient for the purposes aforesaid, not exceeding in amount fifteen thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

SECT. 3. When any stockholder in this corporation shall transfer his stock in this corporation, a certificate of such transfer shall forthwith be deposited with the town clerk of the town of Upton, who shall note the time when the same was deposited, and record the certificate, at full length, on the record book of the town; and no transfer of such stock shall be valid against the creditors of such stockholder,

until such certificate shall have been deposited and recorded as aforesaid. [*Approved by the Governor, April 12, 1854.*]

An Act to establish a Police Court in the Town of Adams.

Chap. 277

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A Police Court is hereby established, in the town of Adams, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice. Police court established.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors, committed within said town of Adams, whereof justices of the peace now have, or may have, jurisdiction; also of all suits and actions which may now, or at any time hereafter, be heard, tried and determined, before any justice of the peace, in the county of Berkshire, whenever all the parties shall reside in Adams, and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction with justices of the peace in said county of Berkshire, over all crimes, offences and misdemeanors, whereof justices of the peace, within the county of Berkshire, now have, or may have, jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Berkshire; but nothing in this section shall affect the jurisdiction of the court of common pleas. Jurisdiction.

SECT. 3. An appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law, from judgments of justices of the peace, and the justice of the said police court shall not be of counsel to any party in any cause which may be pending in said court. Appeal allowed.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace. Fines, costs, &c., how disposed of.

What fees
court may
retain.

Fees over \$350
paid to county
treasurer.

Court, how of-
ten to be held.

Shall keep a
fair record and
make return.

One special
justice.

How paid.

Pending ac-
tions, how dis-
posed of.

SECT. 5. The justice of said court shall retain to his own use, all fees by him received, or which now accrue to justices of the peace, in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain, for his services in criminal prosecutions, a sum exceeding three hundred and fifty dollars annually, but shall pay over to the county treasurer, all fees received by him in criminal prosecutions, over and above that sum.

SECT. 6. A court shall be held by said justice, at some suitable place in said town of Adams, to be provided at the expense of said justice, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and on two several days in each week, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court, as justices of the peace may now adjourn the same hearings or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts, of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the said town of Adams, a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding, and claimed to be due to him at the date of such exhibit.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

SECT. 9. All suits, actions and prosecutions, which shall be pending within the said town of Adams, before any justice of the peace, when this act shall take effect, shall

be heard and determined as though this act had not passed.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice at any time after receiving notice of the adoption of this act by the town of Adams, as herein-after mentioned. Justices, when appointed.

SECT. 11. This act shall be void unless the inhabitants of the town of Adams, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same, within sixty days from the passage of this act, and it shall be the duty of the selectmen and town clerk of said town of Adams, to certify that fact to his excellency the governor, if the town should so vote to accept this act. Act void, unless accepted by written vote
[Approved by the Governor, April 12, 1854.]

An Act to incorporate the New York and Boston Atmospheric Despatch Company. Chap. 278

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Ropes, Ithiel S. Richardson, Thomas J. Whittemore, their associates and successors, are hereby made a corporation, by the name of the New York and Boston Atmospheric Despatch Company, for the purpose of purchasing of the Atmospheric Telegraphic Company, the right to use their method, called the Atmospheric Telegraph and Railway, for the rapid conveyance of the mails and freight between the cities of New York and Boston, and intermediate places; and for the further purpose of constructing a line of the said telegraph and railway, and carrying on the business of transportation on said line; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Purpose.
Powers, duties, &c.

SECT. 2. The said company are empowered to locate, construct and maintain, an atmospheric telegraph and railway, commencing at some convenient point in or near the city of Boston, thence through the towns of Brookline, Brighton, Newton, Weston, Needham, Natick, Framingham, Ashland, Southborough, Westborough, Grafton, Millbury, to some convenient point in the city of Worcester; thence from said city of Worcester through the towns of Auburn, Oxford, Leicester, Charlton, Spencer, Brookfield, Warren, Brimfield, Palmer, Monson, Wilbraham, to some convenient Location.

point in the city of Springfield; thence from said city of Springfield, through the town of Longmeadow, to the line of the State of Connecticut.

Capital stock,
5,000 shares,
of \$100 each.

SECT. 3. The capital stock of said company shall consist of not more than five thousand shares, the number of which shall, from time to time, be fixed by its directors, not to exceed, at any time, the number of shares above stated, and no assessments shall be laid, of a greater amount thereon, in the whole, than one hundred dollars on each share; and no shares shall be issued by said company for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Construction.

Proviso.

SECT. 4. The said company are empowered to construct the said atmospheric telegraph and railway, in such manner and form as they shall deem most expedient: *provided, however*, that the tube of said telegraph and railway shall not be of greater size than two feet in diameter, and that all substances transported by said telegraph and railway shall pass through the said tube; and for this purpose, the said company are authorized to lay out their line of telegraph and railway two rods wide, through the whole length; and for the purpose of cuttings, embankments, and obtaining stone and gravel, and erecting depots and offices, may take as much more land as may be necessary for the proper construction, security and business of said telegraph and railway: and *provided, also*, if said company shall not be able to obtain such land or materials by an agreement with the owner thereof, they shall pay therefor such damages as shall be estimated and determined by the county commissioners for the county where the same may be situated; and no land or material without the limits of said line, shall be so taken without the permission of the owner thereof, unless the commissioners, on the application of said corporation, (and after due notice shall have been given to the said owner,) shall first prescribe the limits, within which such land or materials shall be taken for the purpose aforesaid.

May take necessary lands.

Provided, also.

Liability of corporation.

SECT. 5. Said corporation shall be liable to pay all damages that shall be occasioned by laying out and making and maintaining their said telegraph and railway, or by taking any land or materials, as set forth in section four of this act of incorporation; and such damages shall be estimated by the county commissioners, in the manner provided in the case of laying out highways; and when it is intended to take any land or materials, for the purpose aforesaid, the corporation, as well as the said owner, may apply to the

county commissioners to estimate the damages, before the actual taking and appropriating of such land or materials, by the said corporation, and in case of such application being made to the county commissioners, either by any such owner, or by the said corporation, for an estimate of damages, the said county commissioners shall, if requested by said owner, require the said corporation to give security, to the satisfaction of said county commissioners, for the payment of all such damages and costs as shall be awarded by the said county commissioners, or by a jury, as herein-after provided, for the land or other property so taken; and all the right or authority of the said corporation, to enter upon or use said land or other property, except for making surveys, shall be suspended, until they shall give such security.

Corporation to give security.

SECT. 6. Either party, if dissatisfied with any estimate made by the county commissioners, may apply for a jury to assess the damages, either at the same meeting at which such estimate shall be completed and returned, or at the next regular meeting of the county commissioners, after said application shall have been made; and the like proceedings shall be had thereon, as are provided in the twenty-fourth chapter of the Revised Statutes, for the recovery of damages for laying out highways.

Parties may have jury, &c.

SECT. 7. Any person who shall unlawfully and intentionally injure, molest, or destroy, any of the tubes, pipes, piers or abutments, or any of the materials or property of said company, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail, not more than two years, or both, at the discretion of the court having cognizance thereof. [Approved by the Governor, April 12, 1854.]

Penalty for injuring company's property.

An Act to authorize the City of Boston to lay out a Highway. Chap. 279

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The mayor and aldermen of the city of Boston, are hereby authorized and empowered to lay out a highway, in continuation of Clinton Street, in said Boston, not exceeding sixty feet wide, and extending from the easterly line of Commercial Street, easterly not exceeding one hundred and forty feet; and from some point on the said continuation, extending north-easterly, not exceeding sixty feet

Highway.

Width.

wide, and nearly parallel with said Commercial Street, to Eastern Packet Pier; and from some point on the said continuation of Clinton Street, extending south-westerly, not exceeding forty-feet in width, to City Wharf, so called: *provided*, that the assent of the proprietors of the flats, over which the said highway shall pass, shall be first obtained.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 280

An Act to incorporate the Firemen's Life Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Peter C. Jones, John S. Tyler, Gardner G. Hubbard, their associates and successors, are hereby made a corporation, by the name of the Firemen's Life Insurance Company, to be located in the city of Boston, for the purpose of making insurance on lives of firemen and others, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Powers, duties,
&c.

Guarantee capital.

How paid.

SECT. 2. There shall be an original guarantee capital stock, subscribed to the said corporation, which shall be one hundred thousand dollars; to be divided into shares, by the corporation, half of which shall be paid in in money, before the said corporation shall go into operation, for the purpose of making insurance; the other half of the said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock; which shall always stand pledged to the corporation, for all such assessments so called for.

Choice of directors.

SECT. 3. At the first meeting of the corporation, a number of directors, not less than twelve, shall be chosen by the subscribers to the guarantee stock, who shall hold their office for one year, and until others shall be chosen in their stead. At all subsequent elections of directors, the number shall be such as may have been provided for by a previous vote of the directors, or by-law of the corporation; and in case of no provision on this subject, the number shall be the same as at the first election, one-half of whom shall be elected by the subscribers to the guarantee stock, and the other half by the assured, not being holders of the guarantee stock, voting in separate bodies. The directors shall

all be either stockholders or assured; and, in ceasing to be such, shall cease to hold the said office.

SECT. 4. Whenever the net surplus receipts of the said corporation, over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent., or to such less dividend, as may be agreed on at the time of subscribing for the stock; and in case of such dividend not being made, in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same. Dividends.

SECT. 5. The funds of the said corporation, shall be invested in such purchases and loans, as are permitted to savings banks, in the seventy-eighth and seventy-ninth sections of the thirty-sixth chapter of the Revised Statutes, and in the forty-fourth chapter of the acts of the year one thousand eight hundred and forty-one. The said company may hold real estate to the amount of ten thousand dollars, for the purpose of securing suitable offices for the institution. Funds, how invested.

SECT. 6. After providing for risks, losses, incidental expenses and dividends, as aforesaid, the directors shall set apart one-quarter of the estimated surplus funds and receipts, as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years, from the time of organizing the company, the amount of such fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed. Surplus funds, how applied.

SECT. 7. Upon the redemption and extinction of the guarantee stock, under the provision of the sixth section of this act, the directors shall be chosen by the assured. Directors, how chosen.

SECT. 8. At the expiration of every five years from the time of the organization of the company, the remaining three-quarters of the estimated surplus funds and receipts, shall be reimbursed to and among the assured, in proportion to the whole amount of premiums paid during the preceding five years. Remainder of surplus divided

SECT. 9. The said corporation shall, on the third Monday of January in each year, pay over to the trustees of the Massachusetts General Hospital, one-third of the net profits, if any, which shall have arisen from insurance on lives, made during the preceding year. One-third profits paid, &c. [Approved by the Governor, April 12, 1854.]

Chap. 281

An Act to incorporate the Merrimack Steam Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Warren Dockum, John B. Atwood, Thomas Atwood, their associates and successors, are hereby made a corporation, by the name of the Merrimack Steam Mills, for the purpose of manufacturing lumber, at Newburyport; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Privileges, liabilities, &c.

Real estate,
\$25,000;
capital,
\$50,000.

SECT. 2. Said corporation may, for the purpose afore-said, hold real estate not exceeding in value twenty-five thousand dollars; and the whole capital stock shall not exceed fifty thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 12, 1854.*]

Chap. 282

An Act to incorporate the Sagamore Hotel Company, in Lynn.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James N. Buffum, Moses S. Breed, J. B. Lamper, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Sagamore Hotel Company, in Lynn, for the purpose of erecting a hotel in the city of Lynn, and maintaining the same, and the buildings and appurtenances connected therewith; and for those purposes, said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however,* that said corporation shall not carry on the business of hotel-keeping, or be in any way interested in said business.

Purpose.

Powers, privileges, &c.

Proviso.

Hold real and
personal estate

No shares to
be issued under
par.

SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, shall not exceed fifty thousand dollars: *provided, however,* that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on

each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act authorizing the County Commissioners of the County of Barnstable to lay out a Highway and construct a Bridge over East Harbor. *Chap. 283*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The county commissioners of the county of Barnstable are hereby authorized and empowered to lay out a highway and construct a bridge over East Harbor, so called, in the towns of Provincetown and Truro, in said county, at such place as the public necessity may require: *provided, however*, that the cost of constructing said highway and bridge shall be equally apportioned between said towns, except so much of said cost as shall be laid upon said county: and *provided, further*, that after said highway shall have been made and said bridge shall have been constructed, the cost of maintaining and repairing the same shall be equally borne by said towns. Said commissioners shall, in all respects, except as aforesaid, proceed as is now provided by law for laying out and constructing public highways. Bridge in Provincetown.
Proviso.

SECT. 2. Said highway shall be laid out, and said bridge shall be constructed and opened for public use, within two years from the passage of this act. When to be completed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

An Act to incorporate the Boston Sewing Machine Company. *Chap. 284*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William O. Grover, O. B. Potter, William E. Baker, their associates and successors, are hereby made a corporation, by the name of the Boston Sewing Machine Company, for the purpose of manufacturing sewing machines and machinery, to be located in the city of Boston and county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Powers, duties, &c.

Hold real and personal estate

No shares to be issued under par.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred and fifty thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 12, 1854.*]

Chap. 285 An Act concerning the Alewife Fishery in Herring River, in the Town of Sandwich.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Indians may take fish.

SECT. 1. The Herring Pond tribe of Indians shall be entitled to fish on the west bank of the river known as Herring River, in the town of Sandwich, in their ancient way, above the wear established on said river, to the land belonging to the heirs of Nathan B. Gibbs, deceased, on those days prescribed by the selectmen of said town, agreeably to an act passed on the twenty-seventh day of March, in the year one thousand eight hundred and thirty-four; and also to receive from the town of Sandwich two barrels for each family, annually.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1854.*]

Chap. 286

An Act to authorize Railroad Companies to issue Bonds.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Railroad corporations may issue bonds.

Proviso.

SECT. 1. Any railroad corporation established by the laws of this Commonwealth may issue bonds for the purpose of funding its floating debt, or for money which it may borrow for any purpose sanctioned by law: *provided, however*, that such corporation shall, by a majority of votes, at a meeting of its stockholders called for that purpose be authorized to issue the same; and provided that the bonds so issued shall in no case exceed the amount of capital stock actually paid in by the stockholders of said company.

Not less than \$100 each.

SECT. 2. Such bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and may bear

a rate of interest not exceeding six per centum per annum, payable annually or semi-annually.

SECT. 3. No railroad corporation, having issued any bonds under the provisions of this act, shall subsequently make or execute any mortgage upon its road, equipments and franchise, or any of its property, real or personal, without including in and securing by said mortgage all such bonds previously issued, and all other preëxisting debts and liabilities of said corporation. Mortgages to include bonds.

SECT. 4. No such bond shall be issued by any railroad corporation unless approved by one or more of the finance committee of said corporation, or some other person appointed for that purpose, who shall certify that said bond is properly issued, and recorded upon the books of the corporation. Bonds to be approved.

SECT. 5. All bonds or notes which have been; or which may hereafter be, issued by any railroad corporation, shall be binding and collectable in law, notwithstanding such notes or bonds were negotiated and sold by such corporation, or their agents, at less than par. [*Approved by the Governor, April 13, 1854.*] All bonds collectable in law.

An Act in relation to Commissioners of the Sinking Fund of the Norwich and Worcester Railroad Company. *Chap. 287*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The treasurer of the Commonwealth, and the treasurer of the Norwich and Worcester Railroad Company, for the time being, and one person to be appointed by the governor of the Commonwealth, shall be commissioners of the sinking fund, provided in and by virtue of the act of the legislature, passed March twenty-seventh, one thousand eight hundred and fifty-four, entitled "An Act to extend the time of the State loan to the Norwich and Worcester Railroad Company." Commissioners of sinking fund

SECT. 2. The said commissioners shall have the care and management of all the moneys, funds and securities, at any time belonging to said sinking fund; but the moneys uninvested, and all the securities of said fund, shall be in the custody of the treasurer of the Commonwealth. Custody of funds.

SECT. 3. Said commissioners shall, from time to time, at their discretion, invest the moneys on hand, securely, and so that they shall be productive; and the same may be Funds, how invested.

loaned on interest to any county, city or town, or any bank of this Commonwealth, or to any county or city of the State of Connecticut; or they may be loaned on interest, well secured by mortgage of real estate, or by pledge of the scrip or stocks of the United States, or of the State of New York, or of any New England State, or of any cities, counties or towns aforesaid, or of the stocks of any railroad corporation in this State, whose road is completed, and whose original capital is wholly paid in, and whose road and property are unincumbered, and whose debts do not exceed one-tenth part of their capital paid in: *provided, however,* that the amount loaned on mortgage, shall not exceed one-half the value of the property mortgaged; such property being subject to no prior mortgage. And said commissioners may invest a part, not exceeding one-third of said funds, in any of said state, county, town or city stocks, and they may sell and transfer any stock or securities belonging to said fund.

Proviso.

Records and returns.

SECT. 4. Said commissioners shall keep a true record of all their proceedings; they shall, annually, in the month of January, make a report to the legislature, setting forth their proceedings for the year preceding, the amount and condition of said funds, and the income of the several parts thereof for the year; which records and securities, and the books of account belonging thereto, shall, at all times, be open to the inspection of the governor and council, or of any committee of the legislature; and the said commissioners shall receive for their services, the sum of one hundred dollars each, annually. [*Approved by the Governor, April 13, 1854.*]

Chap. 288

An Act to incorporate the East Sandwich Dyking Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Enoch Shove, Samuel Nye, Joseph Hoxie, 3d, their associates and successors, proprietors of fresh and salt meadows, bordering on Scorton Creek, so called, in the town of Sandwich, are hereby made a corporation, by the name of the East Sandwich Dyking Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes; with authority to hold real and personal estate, (in addition to the meadow enclosed,) to an amount not exceeding in value ten thousand dollars.

Powers, duties, &c.

Additional real and personal estate.

SECT. 2. Said corporation is hereby authorized to construct a dyke across said creek, at or near the place where the county road crosses said creek, so as to prevent the flow of the salt water above the line of said dyke, for the purpose of draining the meadows there situate, and converting the same into fresh meadow or tillage land; and for the accomplishment of the purposes mentioned in this section, said corporation is hereby authorized to exercise all the powers and privileges which are conferred upon commissioners appointed in pursuance of the provisions of the one hundred and fifteenth chapter of the Revised Statutes.

May construct a dyke, &c.

Exercise certain privileges.

SECT. 3. Said dyke shall be provided with a sufficient opening or gateway, to permit the waters accumulating above, to pass off when necessary or expedient. And said corporation shall have authority to raise the water above said dyke, for the purpose of creating a water-power, and shall be the exclusive proprietors of said water-power, with the sole right of directing, using, selling, or otherwise disposing of the same, as may be deemed expedient: *provided, however*, that no interference of private rights is occasioned thereby.

Water-course to be kept open

May create water-power.

Proviso.

SECT. 4. Said corporation shall have the exclusive ownership of any alewife or other fishery, created in consequence of the location and construction of said dyke, together with the right of regulating such fisheries in said creek, above and below said dyke, to the sea, and within the boundaries of said meadows, and of taking such alewives and other fish therein, to their own exclusive use.

Right of fishery.

SECT. 5. All persons who now are, or shall hereafter become owners of land, to be affected by said dyke, may become members of said corporation.

Members.

SECT. 6. Any persons, owning lands injured by the construction or maintenance of said dyke, may obtain compensation for such injury, in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes, for the compensation of persons whose lands may be injured by the erection of dams. [*Approved by the Governor, April 13, 1854.*]

Damages, how recovered.

An Act to incorporate the American Safety Brake Manufacturing Company. Chap. 289

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Israel Whitney, Salem T. Lamb, Charles H. Brown, their associates and successors, are hereby made a

Corporators.

Purpose. corporation, by the name of the American Safety Brake Manufacturing Company, for the purpose of manufacturing car brakes and other machinery, in the counties of Suffolk and Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities, &c.
 Real estate, \$150,000; capital, \$500,000.
 SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred and fifty thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars, and shall be divided into equal shares of one hundred dollars each.

No shares to be issued under par.
 SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1854.*]

Chap. 290 An Act to establish a Fire Department in the Town of South Reading.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A fire department is hereby established in the town of South Reading; subject to all the duties, restrictions and liabilities, and with all the powers and privileges set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine, and in all subsequent acts relating to fire departments. [*Approved by the Governor, April 13, 1854.*]

Chap. 291 An Act to incorporate the Somerville Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Augustus R. Pope, James M. Shute, Enoch Robinson, their associates and successors, are hereby made a corporation, by the name of the Somerville Gas Light Company, for the purpose of manufacturing and selling gas, in the town of Somerville; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value forty thousand dollars, and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

Real estate,
\$40,000 ;
capital,
\$150,000.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Somerville, shall have the power and authority to open the grounds, in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the grounds in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided, however*, that said selectmen, for the time being, shall at all times have the power to regulate, restrict and control, the acts and doings of the said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town.

May open the
ground, lay
pipes, &c.

Proviso.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. [*Approved by the Governor, April 13, 1854.*]

No shares to
be issued un-
der par.

An Act to incorporate the Atlantic Mutual Fire and Marine Insurance Company. *Chap. 292*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jonathan Nickerson, Samuel Soper, John Adams, their associates and successors, are hereby made a corporation, by the name of the Atlantic Mutual Fire and Marine Insurance Company, to be established in Provincetown, for the term of twenty-eight years, for the purpose of making insurance on the mutual principle, against losses by fire, and also, against maritime losses; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have since been passed, or which may hereafter be passed, relating to mutual fire and marine insurance companies. [*Approved by the Governor, April 13, 1854.*]

Corporators.

Duration.

Powers, duties,
&c.

Chap. 293 An Act concerning Seine Fishing in the Harbor of New Bedford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fishing limits
prescribed.

SECT. 1. Instead of the limits prescribed in the act of April twentieth, one thousand eight hundred and forty-nine, for the use of any seine or net in the harbors of New Bedford and Fairhaven, the following limits are hereby prescribed, namely: from a point called Butler's Rock, on New Bedford shore, to the beacon on Egg Island; thence on a course, north-east by east, to the Fairhaven shore; and so much of the above-mentioned act as authorizes seining for menhaden, and all other parts thereof inconsistent with the provisions of this act, are hereby repealed.

Inconsistent
act repealed.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 13, 1854.]

Chap. 294 An Act concerning Beaches in the Town of Nahant.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Removal of
sea-weed, &c.

SECT. 1. No person shall carry away or remove, by land or water, any sea-weed, sand, stones, gravel or mud, from either of the beaches called Long Beach or Little Beach, in the town of Nahant, without permission first obtained from the selectmen of said town of Nahant, or from some person or persons duly authorized, by the selectmen of said town, to grant such permission.

Penalty.

SECT. 2. Any person who shall offend against any of the provisions of this act, shall forfeit and pay, for each offence, a sum not exceeding twenty dollars, to be recovered by complaint or indictment, in any court of competent jurisdiction; one-half for the use of the complainant, the other half for the use of said town of Nahant.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 13, 1854.]

Chap. 295 An Act relating to the Unlawful Use of Private Property.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Unlawful tak-
ing of animals.

Every person who shall, wilfully and without right, take, drive or ride away any horse, ass, mule or other draught

animal, the property of another, which may be left in any way, street, court, lane or alley, or under any shed in this Commonwealth, without the consent of the owner or other person having the legal custody, care or control of the same, shall be deemed to be guilty of a misdemeanor, and shall be punished by fine not less than five dollars, nor more than three hundred dollars, or by imprisonment in the house of correction for a term not exceeding six months: *provided*, Proviso.
however, that nothing in this act shall be so construed as to apply to any case where the taking of the property of another is with the intent to steal the same. [*Approved by the Governor, April 13, 1854.*]

An Act to aid the Erection of a Monument commemorative of the Declaration of American Independence. Chap. 296

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. For the purpose of uniting with the others of the thirteen original States in the necessary measures for the construction and maintenance, in the public square adjoining Independence Hall, in the city of Philadelphia, of a monument to commemorate the Declaration of American Independence, the governor is hereby authorized to appoint, with the consent of the council, a suitable person to be a trustee or agent, to represent this Commonwealth in the board of trustees that may be appointed by the said States respectively, for the same purpose, with the like powers. Trustees appointed.
 It will be the duty of the said board of trustees, when nine or more shall have been appointed by as many of the said thirteen States, to determine the design, plan, materials and expense of the said monument, and to prepare a statement exhibiting the proportion to be contributed by each of the original thirteen States to defray the said expense, assuming as a rule for said proportion the numerical representation at this time of each such State in the house of representatives of the congress of the United States, and the periods when, in their judgment, the instalments of the said contributions will be required. Duty. In determining the said design, an appropriate place on the exterior of such monument shall be provided for each contributing State, to contain such inscription as the State shall direct, commemorative of some citizen or citizens of her own who took part in the responsibility of the declaration of the independence

To report design, plan, &c.

of the said States. The said trustees are to report to such of the States represented by them, with all reasonable expedition, the design, plan and expense of said monument as proposed by them, and the said statement of proportionate contributions. When the said States shall have made provisions for contributing their respective quotas of the said expense, the said board of trustees shall be authorized to proceed and construct the said monument and a sufficient railing around the same, and shall receive and expend the moneys appropriated for that purpose by the different States. They will appoint the necessary superintendents and agents, and may authorize a committee of their board

To render account of funds.

to receive and take charge of all moneys contributed. When the said monument shall be finished, the board of trustees shall render an account to their respective States of the moneys received and expended by them, or under their direction, which shall be verified by the oaths of the principal, superintendent, and one or more of the financial committee of the board, and shall be certified by the mayor of the city of Philadelphia, and the presidents of the select and common councils of the said city, or any two of them, to have been compared with the original vouchers and entries, and found correct.

Term of office.

SECT. 2. The person so appointed trustee shall hold and exercise said trust during the pleasure of the governor, and in case of vacancy by death, resignation, or otherwise, the governor, with the consent of the council, shall appoint successors, from time to time, as occasion may require. No part of the fund contributed by the State shall be applied to compensate any trustee for his services, but the actual expenses of the trustee appointed on the part of this Commonwealth shall be defrayed out of the treasury thereof.

Expense, how defrayed.

This state's proportion, how paid.

SECT. 3. Upon receiving the report of the board of trustees of the design, plan, material, and expense of said monument, and an estimate of the proportion to be contributed by this Commonwealth as herein provided, the legislature will make provision for the payment of the same in such instalments as the said board of trustees shall have declared to be necessary.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1854.*]

An Act to incorporate the Charlestown Water Works.

Chap. 297

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George S. Adams, Gardiner G. Hubbard, Mo- Corporators.
ses M. Rice, their associates and successors, are hereby
made a corporation, by the name of the Charlestown Water
Works, for the purpose of supplying the inhabitants of the Purpose.
city of Charlestown with water; with all the powers and Powers, duties, &c.
privileges, and subject to all the duties, liabilities and re-
strictions, contained in the forty-fourth chapter of the
Revised Statutes.

SECT. 2. The capital stock of said company shall not Capital.
exceed five hundred thousand dollars, to be divided into \$500,000 ;
shares of one hundred dollars each; they may purchase and real estate,
hold any lands necessary and convenient for the purpose of \$200,000.
this act, not exceeding in value, two hundred thousand dol-
lars.

SECT. 3. The said corporation is hereby authorized and May lay pipes,
empowered, to lay its pipes under any railroad, street, high- under streets, &c.
way and private way, with the consent of the owners there-
of: *provided, always*, that the same be done in such a man-
ner as not to obstruct or impede the passing thereof. And
they shall be held to put the same into repair, under the pen-
alty of being prosecuted for a nuisance: *provided, however,* Proviso.
that the mayor and aldermen of any city, or the selectmen
of any town, for the time being, through which said pipes may
pass, shall, at all times, have the power to regulate, restrict
and control, the acts and doings of said corporation, which
may, in any manner, affect the safety or convenience of the
inhabitants of said city or town. Said corporation having Consent to be
first obtained the consent of any railroad, city or town, first obtained.
under or through which they may pass.

SECT. 4. Said corporation is hereby empowered to sell May sell right, &c.
the right of using the water which may be conducted through
their pipes, to any corporation, person or persons, on the
line of their pipes.

SECT. 5. The city of Charlestown shall have a right, in City may sub-
common with others, to subscribe for any portion of the scribe or loan, &c.
capital stock, or to loan money to said corporation, the vote
of the citizens assenting thereto having first been given, at
ward meetings called for that purpose. They may, at any
time, purchase the franchise of this corporation, and all
their corporate property, at such price as may be agreed

upon between the parties; and in case of disagreement, the supreme judicial court, upon application by either party, may appoint commissioners to settle such disagreement.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1854.*]

Chap. 298 An Act to increase the Capital Stock of the Saunders Cotton Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Saunders Cotton Mills is hereby authorized to increase its capital stock, by an amount not exceeding one hundred and fifty thousand dollars: *provided, however*, that no shares shall be issued by said corporation, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1854.*]

Chap. 299 An Act to incorporate the Seaside Cottage Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- | | |
|-----------------------------------|--|
| Corporators. | SECT. 1. James Haskell, Moses Kimball, William E. P. Haskell, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Seaside Cottage Hotel, for the purpose of erecting a hotel, in the town of Rockport, and maintaining such public house and the buildings, appurtenances and improvements connected therewith; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes: <i>provided, however</i> , that said corporation shall not carry on the business of hotel-keeping. |
| Purpose. | |
| Powers, duties, &c. | |
| Proviso. | |
| Hold real and personal estate | SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, for the purposes aforesaid, shall not exceed fifty thousand dollars in value: <i>provided, however</i> , that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [<i>Approved by the Governor, April 13, 1854.</i>] |
| No shares to be issued under par. | |

An Act providing for the Increase of the Massachusetts School Fund, and for the Disposition of its Income. *Chap. 300*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The treasurer of the Commonwealth shall, upon the passage of this act, transfer to the Massachusetts School Fund, such a number of shares held by the Commonwealth in the Western Railroad Corporation, as will, at the rate of one hundred dollars a share, increase the principal of said fund to the amount of one million five hundred thousand dollars. Increase of school fund.

SECT. 2. One-half of the annual income of said fund shall be apportioned and distributed for the use and support of common schools, in the manner, according to the provisions, and under the restrictions, now provided by law for the apportionment and distribution of the income of said fund. One-half income for common schools.

SECT. 3. All sums of money which shall hereafter be drawn from the treasury by virtue of appropriations made or to be made for educational purposes, shall, except in cases in which the appropriation made by any act hereafter passed shall be otherwise provided for therein, be chargeable to and paid from the other half of the annual income of said fund: *provided, however,* that if the same shall be insufficient therefor, the excess of such appropriations in any year shall be paid from any moneys in the treasury not otherwise appropriated. And in case said half of said annual income shall in any year exceed the sums so drawn from the treasury in such year, the surplus shall be carried to the account of the principal of said fund, and added thereto, until said principal shall amount to the sum of two millions of dollars. Appropriations chargeable to the other half.

SECT. 4. No sums of money hereafter drawn from the treasury shall be chargeable to the principal of said fund. Proviso.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *[Approved by the Governor, April 13, 1854.]* No sums to be chargeable to principal. Inconsistent act repealed.

Chap. 301 An Act in addition to An Act to incorporate the Medford Lyceum and Library Association.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed **SECT. 1.** The corporation now known by the name of the Medford Lyceum and Library Association, shall be hereafter called and known by the name of the West Medford Lyceum and Library Association; said corporation to have Powers, duties, &c. all the powers and privileges, and to be subject to all the duties, liabilities and restrictions, contained in the act to which this is in addition.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1854.*]

Chap. 302

An Act in relation to Visiting at the State Prison.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Visitors to state prison to have permit. **SECT. 1.** No persons other than the executive government of the Commonwealth, members of the legislature, or officers of justice, or other persons having business at the State Prison, shall be allowed to visit the same without a special permit from one of the inspectors or the warden of said prison.

Warden to keep register. **SECT. 2.** The warden shall cause a register to be kept of the names and residences of all persons so visiting, and of the authority by which they visit; and said register shall, at all times, be open to the inspectors.

May refuse admission. **SECT. 3.** The warden may refuse admission to any person having a permit, when it may appear that such visit would be injurious to the best interests of the prison; but he shall report such refusal to the inspectors, at their monthly meeting next after such refusal.

Inconsistent acts repealed. **SECT. 4.** All acts and parts of acts inconsistent with this act, are hereby repealed. [*Approved by the Governor, April 13, 1854.*]

An Act to incorporate the Plymouth and Wareham Railroad Company. *Chap. 303*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nathaniel Russell, Eleazer C. Sherman, William S. Davis, their associates and successors, are hereby made a corporation, by the name of the Plymouth and Wareham Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to railroad corporations, and to all other general laws that have been or may be hereafter passed, relative to railroad corporations.

Corporators.

Duties, liabilities, &c.

SECT. 2. Said corporation is hereby authorized and empowered, to locate, construct and maintain a railroad, with one or more tracks, commencing at a point in the town of Plymouth, at or near the depot of the Old Colony Railroad Company, thence running in a southerly and westerly direction through the towns of Plymouth and Carver, to a point in the town of Wareham, near the Tremont Iron Works, and easterly of the Cape Cod Branch Railroad.

Location.

SECT. 3. The capital stock of said company shall be not more than three hundred thousand dollars, and shall be divided into three thousand equal shares; and no assessment shall be levied thereon, of a greater amount than one hundred dollars on each share, and no shares in the capital stock of said company shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Capital stock,
\$300,000,
in shares of
\$100 each.

SECT. 4. Said company are hereby authorized, to enter upon and unite their railroad with the railroad of the Old Colony Railroad Company, at the terminus of said road in Plymouth, and use said railroad of the Old Colony Railroad Company, according to the provisions of law.

May unite with
the Old Colony
Railroad.

SECT. 5. Said company may, with the consent of the Cape Cod Branch Railroad Company, enter upon, unite with, and use the railroad of said company, on such terms as may be fixed by agreement.

May unite with
the Cape Cod
Branch R. R.

SECT. 6. Said company may lease or sell their franchise and property, to either of the companies herein named.

May lease or
sell, &c.

SECT. 7. This act shall be void, if the location of the road herein authorized shall not be filed within two years, with the county commissioners of the county of Plymouth,

Location and
completion.

or if said road shall not be completed within three years after the passage of this act.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1854.*]

Chap. 304 An Act to incorporate the Proprietors of the Quinsigamond House.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** SECT. 1.^{*} Samuel Davis, William T. Merrifield, Joseph Mason, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Quinsigamond House, for the purpose of erecting a hotel or boarding-house, in the city of Worcester, and maintaining the same, and the buildings, and appurtenances connected therewith; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however,* that said corporation shall not carry on the business of hotel or boarding-house keeping.
- Purpose.**
- Powers, duties, &c.**
- Proviso.**
- Hold real and personal estate** SECT. 2. Said corporation may hold, for the purposes aforesaid, real and personal estate, not exceeding one hundred and fifty thousand dollars in value; and the whole capital stock of said corporation shall not exceed said sum: *provided, however,* that no shares in the capital stock of said corporation, shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.
- No shares to be issued under par.**
- SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1854.*]

Chap. 305 An Act to incorporate the Mendelssohn Choral Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators.** SECT. 1. B. F. Edmands, William Rogers, John D. W. Joy, their associates and successors, are hereby made a corporation, by the name of the Mendelssohn Choral Society, in Boston, for the purpose of the cultivation of vocal music; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.
- Purpose.**
- Powers, privileges, &c.**

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, to an amount not exceeding twenty thousand dollars. *[Approved by the Governor, April 15, 1854.]*

Hold real and personal estate

An Act to incorporate the American Composite Marble Company. *Chap. 306*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Odiorne, George F. Williams, Francis Brinley, their associates and successors, are hereby made a corporation, by the name of the American Composite Marble Company, to be located in Suffolk County, for the purpose of manufacturing marble, composed in part of lime and other materials, together with all machinery necessary therefor, and using, improving, working or disposing of the same; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

Powers, privileges, &c.

SECT. 2. The value of the real estate of said corporation shall not exceed one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars.

Real estate, \$100,000; capital, \$300,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, April 15, 1854.]*

An Act concerning the Publication of the Condition of Banks. *Chap. 307*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In addition to the returns now required by law to be made to the secretary of the Commonwealth, each bank, established and doing business in Boston, shall, on every Monday morning, transmit to the secretary of the Commonwealth, a statement, under the oath of the president or cashier, which shall embrace the following particulars, viz.: amount of capital stock, and the average amount of loans and discounts, specie actually in the bank, amount due from other banks, amount due to other banks, deposit, and circulation, for the several days of the week next preceding said Monday.

Banks in Boston to make returns weekly.

Statement to
be published.

SECT. 2. On the Wednesday next after the Monday aforesaid, the secretary of the Commonwealth shall cause to be published, in one or more of the Boston daily papers, to be selected by him, a summary statement of the condition of said banks, for the week aforesaid, to be taken from the returns provided for in the first section.

Banks out of
Boston to
make returns
monthly.

SECT. 3. In addition to the returns now required by law to be made to the secretary of the Commonwealth, each bank, established and doing business in Massachusetts, and out of Boston, shall, on the first Monday of each month, transmit to the secretary of the Commonwealth, a statement, under the oath of the president or cashier, based on the condition of said bank on each Saturday of the month next preceding the Monday aforesaid; and said statement shall include each Saturday not included in any other preceding return under this act, and shall consist of the following particulars, viz.: the capital stock of the bank, average amount of loans and discounts, specie actually in the banks, amount due from other banks, amount due to other banks, deposits, and circulation for the several Saturdays embraced in the return.

Statement to
be published.

SECT. 4. The secretary of the Commonwealth, as soon as may be, after the receipt of the returns provided for in the third section, shall cause a summary statement, taken from said returns, to be published in the same manner as is provided for in regard to the Boston banks.

Expenses of
publication.

SECT. 5. The secretary, in selecting the newspapers, as provided for in the first section of this act, shall have regard to prices at which offers may be made, to make the required publication; and the expenses of said publication, when approved by the governor and council, shall be paid out of the treasury of the Commonwealth, and the governor is hereby authorized to draw his warrant accordingly.

Penalty for
neglect, &c.

SECT. 6. Every bank neglecting to comply with the provisions of the foregoing sections of this act, shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, five hundred dollars for each and every neglect.

Blank forms to
be furnished.

SECT. 7. The secretary shall prepare and transmit to each bank in the Commonwealth, a blank form for the returns required by this act, and said bank shall adopt said form, in making the returns.

When to take
effect.

SECT. 8. This act shall take effect on the first day of June next. [*Approved by the Governor, April 15, 1854.*]

An Act establishing the Salary of the Governor of the Commonwealth. *Chap. 308*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The governor of the Commonwealth shall receive for his services, an annual salary of thirty-five hundred dollars. Salary established.

SECT. 2. The said salary shall be paid in quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July, and October, in every year, and in the same proportion for any part of a quarter. How paid.

SECT. 3. All laws inconsistent with the provisions of this act, are hereby repealed. Inconsistent acts repealed.

SECT. 4. The salary of the present political year shall be in accordance with the provisions of this act. [*Approved by the Governor, April 15, 1854.*]

An Act concerning the Returns of Banks, made on the requisition of the Governor. *Chap. 309*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The annual returns that each bank is now required, by law, to make to the secretary of the Commonwealth, showing the condition of the bank on the first Saturday of such preceding month as the governor shall direct, shall hereafter be made, showing the condition of each bank at seven o'clock in the afternoon of any Saturday that the governor shall designate: *provided, however*, that no distinction between bills of five dollars and upwards and smaller bills shall be required, and none between bills of banks in this State, and bills of the banks of the other New England States. [*Approved by the Governor, April 15, 1854.*] Returns made as governor may direct.

An Act in addition to An Act to incorporate the Saugus Branch Railroad Company. *Chap. 310*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Eastern Railroad Company are hereby authorized to construct and maintain a railroad, commencing at a point in the line of the Saugus Branch Railroad, dis- Extension of railroad.

tant about twenty-five hundred feet from the junction of the Saugus Branch Railroad with the Boston and Maine Railroad, to the Grand Junction and Eastern Railroads, in South Malden; such extension being located westerly of the Burying-Ground and Main Street in said Malden.

When filed and completed.

SECT. 2. If the location of said extension is not filed within one year, and if the same is not constructed within two years from the passage of this act, the same shall be void. [*Approved by the Governor, April 15, 1854.*]

Chap. 311 An Act for the Protection of the Cranberry Vines on the Province lands, in Provincetown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for destroying cranberry vines.

SECT. 1. If any person shall pull up, remove or destroy, any of the cranberry vines, the natural growth on the unenclosed Province lands, in the town of Provincetown, in the county of Barnstable, he shall pay the sum of five dollars for the first offence, and the sum of ten dollars for every subsequent offence. And if any person shall pick any cranberries, growing as aforesaid, before the fifth day of October, in any year, he shall pay, for each and every such offence, the sum of two dollars, each of which fines may be recovered, by complaint made to any justice of the peace for said county.

How recovered

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

Chap. 312 An Act to establish a Police Court in the Town of Plymouth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police Court established.

SECT. 1. A Police Court is hereby established in the town of Plymouth, in the county of Plymouth, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Jurisdiction.

SECT. 2. The said court shall have original jurisdiction, and jurisdiction exclusive of other justices of the peace in the county of Plymouth, over all crimes, offences, and misdemeanors committed within the said town of Plymouth whereof justices of the peace now have, or may have, juris-

diction; also of all suits and actions which may now, or at any time hereafter, be heard, tried and determined, before any justice of the peace in the county of Plymouth, whenever all the parties shall reside in the town of Plymouth, and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction, with justices of the peace in said county of Plymouth, over all crimes, offences and misdemeanors whereof justices of the peace within the county of Plymouth now have, or may have, jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Plymouth.

SECT. 3. An appeal shall be allowed from all judgments of said police court, in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justice of the said police court shall not be of counsel to any party in any cause which may be pending in said court. Appeal allowed.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace. Fines, costs, &c., how disposed of.

SECT. 5. The justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace, in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided, however*, that he shall not retain for his services in criminal prosecutions a sum exceeding three hundred dollars annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions, over and above that sum. What fees court may retain.

SECT. 6. A court shall be held by said justice at some suitable place in said town of Plymouth, to be provided at the expense of the said justice, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on two several days in each month, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court as justices of the peace may Court how often to be held.

now adjourn the same hearings or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Shall keep a fair record and make return.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the said town of Plymouth a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

One special justice.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice until such disability shall be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

Pending suits.

SECT. 9. All suits, actions and prosecutions, which shall be pending within the said town of Plymouth, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Appointment of justices.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice at any time after receiving notice of the adoption of this act by the town of Plymouth, as herein-after mentioned.

Act void, unless accepted by written vote

SECT. 11. This act shall be void unless the inhabitants of the town of Plymouth, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same within sixty days from the passage of this act; and it shall be the duty of the selectmen and town clerk of said town of Plymouth to certify that fact to his excellency the governor, if the town should so vote to accept this act.
[Approved by the Governor, April 15, 1854.]

An Act to authorize the City of New Bedford to lay out a Street. *Chap. 313*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proper authorities of the city of New Bedford are hereby authorized to lay out South Second Street, in said city, in manner provided by law for laying out streets and ways, as a public street, forty feet wide, and in the general direction of said street, from Russell Street to South Street, over the south-west corner of the Old South Burial Ground, so called. City may lay out street.

SECT. 2. Said city, after giving ninety days' notice, in two newspapers published in said city, to all relatives and friends of those whose remains may be removed, shall, at its own expense, and before said street shall be opened for public travel, remove the remains of the dead in that part of said burial ground over which said street shall be laid, to some other part of said ground, or to such suitable lots, to be furnished by said city, in any cemetery in said city, as the said relatives may select, and cause the same to be buried, under the direction of such friends and relatives. To give notice and disinter remains, &c.

SECT. 3. The said city shall, forever hereafter, maintain all fences around said burial ground to the acceptance of the trustees of said ground; but nothing in this act contained, shall be construed as in any degree impairing the title of the proprietors of said ground to the part not taken for said street. [*Approved by the Governor, April 15, 1854.*] Shall maintain fences, &c.

An Act relative to Superintendents of Schools.

Chap. 314

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The several cities and towns in this Commonwealth, by an ordinance of the city government in said cities, or by a vote of the qualified voters of said towns in legal town meeting, may annually require the school committee to appoint a superintendent of public schools, to have the care and supervision of said schools, under the direction and control of said school committee; the salary of such superintendent to be fixed as the city government of said cities, or the inhabitants of said towns, at a legal meeting shall direct; and in every city and town in which How appointed Salary.

such superintendent shall be appointed, the school committee shall receive no compensation, unless otherwise provided for by the city governments of said cities, or by a vote of said town.

What cities
exempt.

SECT. 2. Every city in this Commonwealth, whose act of incorporation has already provided, or shall hereafter provide, for the choice of a superintendent of schools, shall be exempt from the operation of this act. [*Approved by the Governor, April 15, 1854.*]

Chap. 315

An Act relating to the Quincy Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$15,000 real
and personal
estate.

The Quincy Mutual Fire Insurance Company may hold such real and personal estate, as may be necessary and convenient, for the purposes of their business, not exceeding fifteen thousand dollars. [*Approved by the Governor, April 15, 1854.*]

Chap. 316

An Act to establish the West Dedham Branch Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Leonard Mason, Timothy Baker, Nathan Phillips, their associates and successors, are hereby made a corporation, by the name of the West Dedham Branch Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations; and to all other public statutes which have been, or shall hereafter be passed, relative to railroad corporations.

Powers, duties,
&c.

Location.

SECT. 2. Said corporation is hereby authorized and empowered, to locate, construct and maintain a railroad, with one or more tracks, from some convenient point on the Charles River Railroad in Needham, to some convenient point in the village of West Dedham; and to enter upon said Charles River Railroad, by proper turnouts and switches, at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

May enter up-
on Charles
River Railroad

SECT. 3. The capital stock of said corporation shall not exceed one thousand shares, of the par value of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said corporation, and no assessment shall be laid thereon, of a greater amount, in the whole, than the par value thereof.

Capital,
\$100,000.

Shares of \$100.

SECT. 4. If the location of this railroad be not duly filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void. [*Approved by the Governor, April 15, 1854.*]

Location and
completion.

An Act to establish additional Terms of the Court of Common Pleas for the County of Bristol. *Chap. 317*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be holden, within and for the county of Bristol, two additional terms of the court of common pleas annually, to wit: one on the second Monday of July, to be holden at New Bedford, within and for said county, and the second on the first Monday of February, to be holden at Taunton, within and for said county, for the disposition of the criminal business of said county.

Additional
terms.

SECT. 2. The civil business of said court in said county, shall be transacted exclusively at the four terms heretofore established in said county; and the criminal business thereof shall be transacted exclusively at the terms established by this act; and all continuances of civil or criminal cases shall, without any special order, be had to the next term of said court for the transaction of business of the same description.

Terms for civil
and criminal
business.

SECT. 3. All appeals, recognizances, continuances and processes, and every other matter and thing of a criminal nature, which would be returnable to, or have day in, the court of common pleas, to be holden in said county on the second Monday of June next, if this act had not been passed, shall be returnable to, and have day in, that court at the term thereof, hereby established, on the second Monday of July next.

Appeals, &c.,
when return-
able.

SECT. 4. The grand jurors for said county of Bristol, shall be required to attend only at the said terms hereby established for the transaction of criminal business. [*Approved by the Governor, April 15, 1854.*]

Grand jurors,
when to attend

Chap. 318 An Act changing the Place for holding certain Terms of the Probate Court in the County of Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Probate court. SECT. 1. A court of probate shall be holden in the town of Milford, in the county of Worcester, on the fourth Tuesday of May in each year. A term shall also be holden in said town on the Wednesday next after the fourth Tuesday in October.

Part of act repealed. SECT. 2. So much of the first section of an act entitled "An Act to establish the Terms of the Court of Probate in the County of Worcester," as provides for holding a court of probate in the town of Mendon, passed on the twelfth day of April, in the year one thousand eight hundred and thirty-seven, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

Chap. 319

An Act to incorporate the Boston Oil Cloth Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Richard Pitts, Samuel Curtis, Benjamin H. Currier, their associates and successors, are hereby made a corporation, by the name of the Boston Oil Cloth Company, to be located in the county of Suffolk, for the purpose of manufacturing oil cloths and other fabrics, and machinery, and using, improving and disposing of the same; with all Powers, privileges, &c. the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$100,000; capital, \$300,000. SECT. 2. The said company may hold real estate, necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars, and their whole capital stock shall not exceed three hundred thousand dollars.

No shares to be issued under par. SECT. 3. No share in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

An Act to incorporate the Tremont Oil Company.

Chap. 320

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. J. H. Cheney, Charles Smith, Marshall King, Corporators. man, their associates and successors, are hereby made a corporation, by the name of the Tremont Oil Company, for the purpose of manufacturing oil, in the city of Boston; with all the powers and privileges, and subject to all the Powers, duties, &c. duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate to an amount not exceeding fifty thousand dollars; and the whole capital stock shall not exceed Real estate, \$50,000; capital, \$250,000. two hundred and fifty-thousand dollars.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. *[Approved by the Governor, April 15, 1854.]* No shares to be issued under par.

An Act to incorporate the Shawmut Gas Light Company, in the City of Boston. Chap. 321

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin L. Allen, William A. Hayes, James C. Dunn, Corporators. their associates and successors, are hereby made a corporation, by the name of the Shawmut Gas Light Company, in the city of Boston, for the purpose of manufacturing and selling gas in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the said purpose, in amount not exceeding five hundred thousand dollars. Hold real and personal estate

SECT. 3. Said corporation, with the consent of the mayor and aldermen of the city of Boston, shall have power and authority to open the ground in any part of the streets, lanes and highways in said city, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes and May open the ground, lay pipes, &c.

Proviso. highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall, at all times, have the power to regulate, restrict and control, all the acts and doings of said corporation, which may, in any manner, affect the health, safety and convenience of the inhabitants of said city.

No shares to be issued under par. SECT. 4. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

Chap. 322

An Act relating to the Venue of Transitory Actions.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where actions may be brought SECT. 1. All transitory actions between parties who both live within the Commonwealth, which, by the fourteenth section of the nineteenth chapter of the Revised Statutes, are required to be brought in the county where one of the parties lives, may be brought either in the county in which one of the parties lives, or in which he has his usual place of business.

Inconsistent act repealed. SECT. 2. So much of the fourteenth section of the nineteenth chapter of the Revised Statutes as is inconsistent with this act, is hereby repealed. [*Approved by the Governor, April 15, 1854.*]

Chap. 323

An Act for the better Establishment of the Police Court of Newburyport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary of justice. SECT. 1. The standing justice of the police court of the city of Newburyport, shall receive an annual salary of not less than six hundred dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year, by the concurrent vote of the two branches of the city government of said city; and said salary shall be paid to him in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he now is, and shall hereafter be, required or authorized to perform as said justice.

SECT. 2. The mayor and aldermen of the city of Newburyport shall, forthwith, and hereafter in the month of January, annually, and whenever a vacancy may occur, appoint a suitable person to be clerk of said police court, who shall be paid for his services, as said clerk, an annual salary of not less than three hundred dollars, the amount of which, if above that sum, shall be determined in the same manner as the salary of the standing justice, and paid in quarterly payments from the treasury of the city. Appointment of clerk.

SECT. 3. In case of the absence or death of said clerk, Clerk, *pro tem*. the said justice may appoint a clerk *pro tempore*, who shall be paid, *pro rata*, said pay, in case of absence, to be deducted from the salary of the standing clerk, and who shall officiate until the standing clerk shall resume his duties, or until another clerk shall be appointed.

SECT. 4. The standing clerk shall be sworn to the faithful discharge of his duties, and shall give bonds to the city in such sum as the board of mayor and aldermen shall, from time to time, order, with a surety or sureties to the acceptance of the said board, with condition for the faithful performance of the duties of his office, and of the duties prescribed to him in this act. Standing clerk to give bond.

SECT. 5. The clerk shall attend all sessions of the police court, whether for the transaction of criminal or civil business, and shall keep a true record of all the proceedings of said court; and the records of proceedings in civil cases shall be kept in a different book, and separate from the records of proceedings in criminal cases. To keep separate records.

SECT. 6. The said clerk shall make all warrants, writs, and processes, which shall be ordered by said court, and tax all bills of costs, and receive all fines and forfeitures, and fees awarded and payable in said court, and all fees for blanks and copies in civil and criminal suits. To make all warrants, &c.

SECT. 7. All fees and charges, both in civil and criminal proceedings, now by law received by or payable to the said standing justice, shall be received by said clerk, and by him accounted for quarterly in detail, to the city, and the amounts due the said city of Newburyport, he shall forthwith pay over to the treasurer of said city. Fees, &c., how disposed of.

SECT. 8. All fines and forfeitures received by said clerk or by said justice, and all costs in criminal prosecutions so received, except the fees and charges named in the seventh section of this act, shall be accounted for and paid over by said clerk, in the same manner, and under the same penal- Fines, costs, &c., how accounted for.

ties for neglect, as are now prescribed with regard to justices of the peace.

And all costs and charges arising in criminal prosecutions which shall not be paid by said clerk, as above provided, shall, by said clerk, be taxed, certified, allowed and paid in like manner as is now provided with regard to said justices of the peace: *provided, however*, that the said clerk shall, in the report returned at the end of each year, give a schedule of all fees remaining in his hands taxed and allowed the previous year, uncalled for by the persons to whom the same may be payable, and pay over the amount of the same to the city treasurer.

Compensation of special justices. **SECT. 9.** Whenever the said police court shall be held by either of the special justices thereof, the said special justices shall receive, in compensation for their services, the fees to which they are by law entitled: *provided, however*, that when the sum of fifty dollars shall have been thus earned in any one year, by either or both of said special justices, the said special justices shall thereafter be paid, in full for their services as such justices, at the rate of two dollars fifty cents per diem, to be deducted from the salary of the standing justice; and the fees to which they or either of them would otherwise be entitled, shall be received by the clerk, and by him accounted for and paid to the city treasurer, as herein-before provided with regard to the standing justice.

Jurisdiction. **SECT. 10.** The said police court, in addition to the jurisdiction which it now has, shall have exclusive jurisdiction of all crimes, offences and misdemeanors, committed within the said city of Newburyport, whereof the said police court and justices of the peace for the county of Essex now have jurisdiction; and said police court shall also have original jurisdiction and cognizance of all suits and actions whereof any justice of the peace in the county of Essex now has, or hereafter may have, jurisdiction, and exclusive jurisdiction, whenever any person summoned as trustee in any such action resides in the city of Newburyport, and service has been duly made on said supposed trustee: *provided, however*, that nothing in this act contained shall prevent any prosecution within said county returnable before said court; but no fees shall be allowed to any justice of the peace for any such warrant, unless it shall appear to the court that there was just and reasonable cause for issuing it.

Warrants in certain cases. **SECT. 11.** The standing justice of said court, or either of the special justices, or any justice of the peace of the

county of Essex, may issue a warrant under the forty-ninth chapter of the Revised Statutes, and such warrant may be made returnable before said police court; but no justice of the peace within the said city of Newburyport shall exercise any further jurisdiction than to issue such warrant; and any party aggrieved by the judgment of said court in any case, whether civil or criminal, may appeal therefrom to the court of common pleas for said county of Essex, in the manner now provided for appeals from said police court. Appeal.

SECT. 12. Neither the standing justice nor the clerk shall be retained as counsel or attorney in any suit, complaint, or other proceeding before said court, nor in any which shall have been heard or examined therein; and neither of the special justices shall be retained or employed as counsel or attorney, in any matter which shall have been heard or examined before them respectively. Justices and clerk not to act as counsel.

SECT. 13. A court shall be holden by the said standing justice, or one of the special justices, at some suitable and convenient place to be provided by the city, on every day of the week, Sundays excepted, at nine o'clock in the forenoon, to take cognizance of crimes, offences and misdemeanors, and on one fixed day of each week, at ten o'clock in the forenoon, and by adjournment as much oftener as may be necessary, for the entry and trial of civil actions, the hearing of motions, and such other civil business as may come before it. Court, how often to be held.

SECT. 14. The jurisdiction of the police court of the city of Newburyport, shall not be limited by reason of any interest on the part of the justices of said court, or either of them, in the payment of fines and costs into the treasury of the city of Newburyport, or of the county of Essex. Jurisdiction not limited.

SECT. 15. All acts or parts of acts inconsistent with this act, are hereby repealed. Inconsistent acts repealed.

SECT. 16. This act shall not take effect unless it is accepted by the city council of Newburyport within sixty days from its passage. [*Approved by the Governor, April 15, 1854.*] Act void, unless, &c.

An Act to incorporate the Plympton and Wareham Railroad Company. *Chap. 324*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Isaac Wright, Oliver Parker, James Cole, their associates and successors, are hereby made a corporation, by the name of the Plympton and Wareham Railroad Com-

Powers, duties, &c. pany, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to railroad corporations, and in all general laws which have been, or shall hereafter be passed, relating to railroad corporations.

Location. SECT. 2. The said corporation is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, commencing at a point on the Old Colony Railroad, in the town of Plympton, on the westerly side of the Plympton Station, (so called,) thence running by the most convenient route, southerly, through the towns of Plympton, Carver, and Wareham, to some convenient point in said Wareham, easterly of the Cape Cod Railroad, and near the junction of the Fairhaven Railroad with said Cape Cod Railroad.

Capital stock, 2,500 shares, of \$100 each. SECT. 3. The capital stock of said railroad company shall consist of two thousand five hundred shares, of the par value of one hundred dollars each, and no assessment shall be made thereon, of a greater amount in the whole, than the par value of such share or shares; and no shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

No shares to be issued under par.

May use other roads.

SECT. 4. Said Plympton and Wareham Railroad Company may enter upon, and use the said Old Colony Railroad, according to the provisions of law; and the said Plympton and Wareham Railroad Company, may, with the consent of the Cape Cod Railroad Company, enter upon, unite with, and use, the said Cape Cod Railroad, upon such terms as may be fixed by agreement, by said two companies.

Location and completion.

SECT. 5. If the location of the said railroad be not filed according to law within two years, and if the said railroad be not completed within three years from the passage of this act, then this act shall be void.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

Chap. 325 An Act to set off a part of the Town of North Brookfield, and annex the same to the Town of Brookfield.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundary described.

SECT. 1. So much of the town of North Brookfield, in the county of Worcester, as lies southerly of a line begin-

ning at a stone monument at the old post road leading to Brookfield, a little north-westerly of what is called the Wolcott Mill, and running thence south seventy-seven degrees and thirty minutes, east three hundred and seventy-five rods to a stone monument as now established in the line of Brookfield and North Brookfield on the easterly side of the Stephens Pond, so called, with all the inhabitants and estates thereon, is hereby set off from the town of North Brookfield, and annexed to the town of Brookfield: *provided, however,* that for the purpose of electing representatives to the general court, to which the said town of North Brookfield is entitled, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the constitution, the said territory shall remain and continue to be a part of the town of North Brookfield, and the inhabitants resident therein shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of North Brookfield, in the same manner as if this act had not been passed.

Where to vote
for representa-
tives.

SECT. 2. The said inhabitants and estates so set off shall be liable to pay all taxes that have been legally assessed on them by the town of North Brookfield, in the same manner as if this act had not been passed. And until the next general valuation of estates in this Commonwealth, the town of Brookfield shall annually pay over to the said town of North Brookfield the proportion of any state or county tax which the said town of North Brookfield may have to pay, upon the inhabitants or estates hereby set off.

Taxes, &c.

SECT. 3. If any persons who have heretofore gained a legal settlement in the town of North Brookfield by reason of a residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved and supported by the said town of Brookfield, in the same manner as if they had gained a legal settlement in that town.

Support of
paupers.

SECT. 4. The selectmen of the town of Brookfield shall annually, until the next decennial census, fourteen days, at least, before the second Monday of November, furnish to the selectmen of North Brookfield a correct list, so far as may be ascertained from the records of the town of Brookfield or any of its officers, of all persons resident on the territory hereby set off, who shall be entitled to vote for representatives as aforesaid, in North Brookfield.

List of voters.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1854.*]

Chap. 326 An Act concerning Fees of Witnesses in Cases of Contested Elections of Members of the House of Representatives.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Witnesses fees to be certified.

That in cases of contested elections of members of the house of representatives, no party shall be paid, by the Commonwealth, any fees for witnesses, unless the committee by which such case is heard, shall certify that there was reasonable cause for the attendance of such witnesses. [*Approved by the Governor, April 15, 1854.*]

Chap. 327

An Act relating to Mill and Reservoir Dams.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

County commissioners to view, &c.

SECT. 1. It is hereby made the duty of the county commissioners of the several counties in this Commonwealth, on application made to them in writing, by any person or persons owning mill or other property liable to destruction or damage by the breaking of any mill or reservoir dam, or on application of the selectmen of any town, on account of the liability of damage to any roads or bridges from the same cause in such town, to view and thoroughly to examine such dam or dams, and give notice to the adverse party, of the time and place of such view and examination; and if, in the judgment of said commissioners, the same are not sufficiently strong and substantial to resist the action of the water under any circumstances which may reasonably be supposed to exist, it shall be the duty of said commissioners to determine and direct what alterations or additions are required, to make such dam permanent and secure, and they shall give a written direction to the owner or owners of such dam to make such alterations or repairs within a reasonable time; and a record shall be made of the result of such examination by the said commissioners, and any such record shall be taken as admissible evidence in the trial of any issue involving the liability of the owner or owners of such dam, if the owners had an opportunity to be heard before said commissioners.

Notice to adverse party.

Shall give written directions.

Result of examination to be recorded.

SECT. 2. If the owner or owners of any dam thus examined and adjudged to be unsafe, shall neglect or refuse to make such alterations, additions or repairs, as have been ordered by said commissioners, it shall be the duty of said commissioners, on being notified by the party or parties making application, of such neglect or refusal, to cause such dam, or such parts thereof as they may deem necessary for the safety of property, roads, or bridges on the stream below, to be removed; and after such removal of said dam, or parts thereof, no structure shall be erected, except in compliance with the requirements of the commissioners.

Dam may be removed.

SECT. 3. If at any time when a dam is adjudged to be unsafe according to the provisions of this act, and the pond caused by said dam should be so filled with water that the dam cannot be removed without danger to mill and other property, it shall be the duty of the county commissioners to cause such dam to be forthwith raised, or otherwise altered and made safe, at the expense of the owner or owners of said dam, such owner, upon notice, neglecting to raise or otherwise alter and make safe the said dam.

Dam may be raised.

SECT. 4. The cost or expense of all examinations of dams, made by any board of commissioners under this act, shall be paid by the party making application for the same: *provided*, the said commissioners shall order no alteration or additions to such dams; otherwise the expense shall be paid by the owner or owners of the same; and in all cases where the party making application for such examination is the owner of the dam, the expense shall be paid by the applicant.

Expense, by whom paid.

SECT. 5. This act shall take effect on and after its passage. [*Approved by the Governor, April 15, 1854.*]

An Act to authorize Justices of the Peace to impose Imprisonment instead of Fine, in certain cases. *Chap. 328*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In place of the fine as set forth in the twenty-fourth section of the eighty-fifth chapter of the Revised Statutes, every justice of the peace within his county may, in his discretion, impose imprisonment in the county jail or house of correction, for a time not exceeding ninety days.

Discretionary power of justices.

Defendant to
pay costs.

SECT. 2. In case the justice shall impose imprisonment, he may, in addition thereto, order the defendant to pay the costs of prosecution. [*Approved by the Governor, April 15, 1854.*]

Chap. 329 An Act in addition to the several Acts for the Relief of Insolvent Debtors, and for the more Equal Distribution of their Effects.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Meetings of
creditors, how
called.

SECT. 1. Whenever, in any proceedings in insolvency, there shall occur, from any cause, a failure to call or hold a second or third meeting of creditors within the time prescribed by law, such second or third meeting may, upon petition of an interested party, be ordered after that time, at the discretion of the supreme judicial court, or any judge thereof, and with like effect as to the validity of the proceedings thereat, as if such proceedings had transpired at a like meeting held within the time prescribed by law.

Commissioner
may order
meetings.

SECT. 2. Upon the death, resignation or neglect of the assignee, or his absence from the county in which the proceedings are pending, whereby any meeting to be called or notified by him, is liable to be defeated, such meeting may be called or notified by the clerk on the order of the commissioner before whom the proceedings are pending, on petition of any interested party, with notice at the discretion of the commissioner, to such assignee, if living, and with the like effect as to the validity of the proceedings had at such meeting, as if the same had been called and notified by the assignee.

Schedules.

SECT. 3. The schedules of creditors and of assets shall, in no case, be delivered to the assignee, but to the custody of the clerk, by whom certified copies shall be furnished to the assignee.

Warrants.

SECT. 4. The warrant to the messenger shall, in all cases, be directed to the sheriff or either of his deputies, of the county in which the proceedings are pending. [*Approved by the Governor, April 15, 1854.*]

An Act to incorporate the American Sewing Machine Company. *Chap. 330*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John P. Bowker, Junior, Adin Partridge, H. W. Wetherell, their associates and successors, are hereby made a corporation, by the name of the American Sewing Machine Company; for the purpose of manufacturing sewing machines, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

Powers, privileges, &c.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purposes aforesaid: *provided, however,* that the whole capital stock of said company shall not exceed the sum of two hundred and fifty thousand dollars.

\$250,000 real and personal estate.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which may be first created.

No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1854.*]

An Act to incorporate the Shaw Institute or Asylum for Mariners' Children. *Chap. 331*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Gardiner Howland Shaw, Quincy A. Shaw, Francis G. Shaw, their associates and successors, are hereby made a corporation by the name of the Shaw Institute or Asylum for Mariners' Children, for charitable and benevolent purposes; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers, duties, &c.

SECT. 2. Said corporation may prescribe by its by-laws, the manner in which persons may become members thereof.

By-laws.

SECT. 3. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding five hundred thousand dollars. [*Approved by the Governor, April 18, 1854.*]

Hold real and personal estate

Chap. 332 An Act to incorporate the New England Magnetic Alarm Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. S. P. Taylor, George A. Hill, George O. Brastow, their associates and successors, are hereby made a corporation, by the name of the New England Electro-Magnetic Alarm Manufacturing Company; to be located in the county of Suffolk, for the purpose of manufacturing and vending electro-magnetic alarms; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, privileges, &c.

Real estate,
\$30,000;
capital,
\$100,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding thirty thousand dollars; and the whole capital stock thereof, shall not exceed one hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No share, in the capital stock of said company, shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1854.*]

Chap. 333 An Act in Relation to the Interest on Notes and Securities taken for Lands sold in the State of Maine.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Interest con-
sidered as in-
come.

SECT. 1. From and after the first day of the present year, the interest on notes and bonds taken for sales of lands in the State of Maine, and belonging to the Massachusetts School Fund, and Western Railroad Stock Sinking Fund, shall be considered and treated as income of said funds.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1854.*]

An Act Concerning the Harvard Branch Railroad.

Chap. 334

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Harvard Branch Railroad Corporation, acting in concurrence with James Dana, Oliver Hastings, and Gardner G. Hubbard, trustees, under a mortgage executed by said corporation, are hereby authorized to discontinue their road, or any part thereof, and to sell and dispose of all its right, title, and interest in, and to any and all real estate and personal property, in whole or in part, to one or more purchasers, the proceeds of such sale to be appropriated in the manner provided in the following section.

May discontinue road and sell property.

SECT. 2. James Dana, Oliver Hastings, and Gardner G. Hubbard, trustees, under a mortgage executed by said corporation, acting in concurrence with said corporation, are hereby authorized to sell and convey their railroad, with its franchise and privilege, and the purchase money shall be first applied in satisfaction and discharge of any and all liens and incumbrances upon the same, then to the payments of all the debts of said corporation, and the balance thereof to be paid to the stockholders in proportion to the amount of stock held by them respectively.

Purchase money, how applied.

SECT. 3. Any party aggrieved by the action of said corporation and trustees may apply to the supreme judicial court, sitting in equity, in and for the county of Middlesex, who shall have full equity powers in the premises, and shall make such orders and decrees as are in accordance with the rules of equity.

Aggrieved parties may apply, &c.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 19, 1854.]

An Act to establish a Police Court within the City of Cambridge. Chap. 335

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A Police Court is hereby established, in the city of Cambridge, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Police court established.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors, committed within said city of Cambridge, whereof justices of

Jurisdiction.

the peace now have, or may hereafter have, jurisdiction; also of all suits and actions which may now, or at any time hereafter, be heard, tried and determined, before any justice of the peace in the county of Middlesex, whenever all the parties shall reside in Cambridge, and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction with justices of the peace in said county of Middlesex, over all crimes, offences and misdemeanors, whereof justices of the peace now have or hereafter may have jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Middlesex.

Returns of warrants.

SECT. 3. All warrants issued by the said court or by any justice of the peace in Cambridge, in any criminal suit or prosecution, shall be made returnable before the said court.

No fees allowed to justices of the peace.

SECT. 4. No fees shall be allowed to any justice of the peace for any warrant issued by him, returnable before said court, unless it shall appear to the court that there was just and reasonable cause for issuing the warrant.

Justices of the peace to be conservators, &c.

SECT. 5. Every justice of the peace in the city of Cambridge shall, notwithstanding any thing contained in this act, have and exercise all the powers and duties of a conservator of the peace, for suppressing all affrays, riots, assaults and batteries, and for arresting all persons concerned therein; and all persons so arrested, whether upon a warrant, in writing, or otherwise, shall be brought before the said court for examination, to be there dealt with according to law.

Appeal allowed.

SECT. 6. An appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law, from judgments of justices of the peace; and the justice of said police court shall not be of counsel to any party in any cause which may be pending in said court.

Fines, &c. how disposed of.

SECT. 7. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

Salary of justice.

SECT. 8. The justice of said court shall receive an annual salary of not less than one thousand dollars, the amount of which, if above that sum, shall be determined not oftener

than once in each year by the concurrent vote of the two branches of the city council of said city; and said salary shall be paid to him in equal quarterly payments, out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said justice.

SECT. 9. A court shall be holden by the said standing justice, or by the special justice, at some suitable and convenient place, to be provided by the city, on every day of the week, Sundays and days of public thanksgiving and fast excepted, at such hour in the forenoon as said standing justice shall by general rule appoint, to take cognizance of crimes, offences and misdemeanors, and on one fixed day of the week, at ten o'clock in the forenoon, and by adjournment so much oftener as may be necessary, for the entry and trial of civil actions, the hearing of motions, and such other civil business as may come before it. And the said standing justice shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of the said court.

Court, how often to be held.

SECT. 10. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts, of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of December, exhibit to the city council of the said city of Cambridge, a true and faithful statement of moneys received by him as fees.

Shall keep a fair record and make return.

SECT. 11. The justice of said court shall, twice in every year, on the first day of June and on the first day of December, account for and pay over to the treasurer of the said city of Cambridge all fees of every description received by him in the course of his judicial proceedings, civil or criminal.

Fees, &c., paid to city treasurer.

SECT. 12. The justice of said court is hereby authorized to appoint a clerk of said police court, to be paid by him, and to hold his office during the pleasure of said justice, whenever, in his discretion, the business of the court shall require such appointment. And the clerk so appointed shall be duly sworn to the faithful discharge of the duties of his office, and under the direction of the justice shall keep a fair record of all the proceedings of said court.

Clerk appointed and sworn.

SECT. 13. The jurisdiction of said police court shall not be limited by reason of any interest on the part of the justices of said court in the payment of fines and costs into

Jurisdiction not limited.

the treasury of the said city of Cambridge, or of the county of Middlesex.

One special justice.

SECT. 14. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest or other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services performed by him, out of the salary of the standing justice, such sum as said standing justice would be entitled to for the same services.

Pending actions, how disposed of.

SECT. 15. All suits, actions and prosecutions, which shall be pending within the said city of Cambridge, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Justices, when appointed.

SECT. 16. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice at any time after the passage of this act.

Act void, unless accepted in sixty days.

SECT. 17. This act shall not take effect unless accepted by the city council of Cambridge within sixty days from its passage. [*Approved by the Governor, April 19, 1854.*]

Chap. 336

An Act concerning the Stoneham Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location.

SECT. 1. The Stoneham Branch Railroad Company are hereby authorized and empowered, to locate, construct and maintain a railroad from a point on the present location of their railroad in Medford, near the farm of Peter C. Hall, and a little northerly of Purchase Street, in said Medford, and from thence across Mystic River, and from thence southerly and across South Street, in said Medford, across the street leading from Medford to Charlestown, and from thence to a point in Somerville, upon the Boston and Maine Railroad, with authority to connect with said railroad; or said company may connect their railroad with the road of the Boston and Lowell Railroad Corporation, as provided in their charter, at any point north of the principal depot in Winchester. All that part of the present location of

May connect with other roads.

the Stoneham Branch Railroad, southerly of Purchase Street in Medford, is hereby wholly discontinued.

SECT. 2. If the said Stoneham Branch Railroad Company shall avail themselves of the power conferred by the foregoing section, to enter the Boston and Lowell Railroad, then all of the present location of their road situate southerly of the point from whence their new location shall leave and depart from their present location, shall be, and hereby is also, wholly discontinued, and any person upon, across, or over whose lands any embankments, excavations, or work have been made or performed on that part of the location hereby discontinued, shall have the right and liberty to file his petition for his damages sustained thereby, and to have the same determined and assessed, according to the laws heretofore enacted for the assessment and recovery of railroad damages. Location discontinued.

SECT. 3. Said Stoneham Branch Railroad Company is hereby authorized to increase their capital stock to an amount not exceeding the sum of two hundred thousand dollars in the whole. Additional capital.

SECT. 4. Said company shall have the further time of three years, within which to locate and construct their railroad, as herein provided. Time extended

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1854.*]

An Act to incorporate the Hopkinton Branch Railroad Company. Chap. 337

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Lee Claffin, Silas Mirick, Erastus Thompson, their associates and successors, are hereby made a corporation, by the name of the Hopkinton Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to railroad corporations, and in the public statutes which have been, or may be hereafter passed, relating to railroad corporations. Corporators. Privileges, liabilities, &c.

SECT. 2. Said corporation is hereby empowered to locate, construct and maintain, with one or more tracks, a branch railroad, commencing at some point near the centre village of Hopkinton, thence running to the sand banks, near Indian Brook, thence to the station house of the Bos- Location.

ton and Worcester Railroad, at Cordaville, at which point the said company may enter upon, and unite their railroad, by proper turnouts and switches, with the said Boston and Worcester Railroad, or may follow, as near as may be convenient, said Indian Brook, to a point on the said Boston and Worcester Railroad, near where the said railroad now crosses said Indian Brook, at which point the said company may enter upon and unite their railroad, by proper turnouts and switches, with the Boston and Worcester Railroad.

Capital, 1,200
shares, of \$100
each.

SECT. 3. The capital stock of said company shall consist of not more than twelve hundred shares, the number of which shall, from time to time, be determined by the directors of said corporation, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and no shares shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient, for the purpose of their incorporation.

No shares to
be issued under
par.

Location and
construction.

SECT. 4. If the location of said branch railroad shall not be filed within sixteen months, and said branch railroad be not constructed within three years from the passage of this act, the same shall be null and void.

May unite with
another road.

SECT. 5. Said corporation is hereby authorized to enter upon and unite their railroad, by proper turnouts and switches, with the Boston and Worcester Railroad, and use the same, and any part thereof, under the provisions and restrictions of the laws relating to railroads.

May be used by
other roads.

SECT. 6. The legislature may authorize any corporation to enter, with another railroad, upon, and use the Hopkinton Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Hopkinton Branch Railroad may prescribe, or as may be determined according to the provisions of law.

Tolls.

SECT. 7. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said railroad; but the tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

May lease road

SECT. 8. Said Hopkinton Branch Railroad Company are hereby empowered to lease their railroad to the Boston and Worcester Railroad Corporation.

SECT. 9. The corporation hereby established is authorized to sell and transfer all its property, rights, privileges and franchises, under this charter, to the Boston and Worcester Railroad Corporation, or its successors, upon such terms as shall be mutually agreed upon, and upon such transfer, said Boston and Worcester Railroad Corporation shall enjoy and be invested with all the powers, privileges and franchises, hereby granted, and shall be subject to all the restrictions and liabilities hereby imposed.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1854*]

May sell and transfer property.

An Act for supplying the City of Worcester with Pure Water.

Chap. 338

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Worcester is hereby authorized to hold, by purchase, and to convey to, into and through the said city, the water of the Henshaw Pond, so called, in the town of Leicester, and the waters that may flow into and from the same, and any water-rights connected therewith, or (if the city council shall so elect) the waters of a brook running through the town of Holden and through the westerly part of Worcester, called Tatnic Brook, the water to be taken from a point in the same in said town of Holden, about two miles above the village of Tatnic, so called, in said Worcester; and said city may also hold, by purchase, any lands or real estate, necessary for laying or maintaining an aqueduct for conducting the water from either of said sources to said city, and for forming reservoirs, and may also hold land around the margin of said pond, or around the margin of any reservoir or water source which they may possess or create, in the valley of said brook, for the purpose of furnishing a supply of pure water for the city of Worcester.

Water, where obtained.

May hold land, &c.

SECT. 2. The said city may make and build a permanent aqueduct, from either of the aforesaid water sources, to, into and through the said city, and secure and maintain the same by any works suitable therefor, may erect and maintain a dam or dams, at the outlet of said pond, or in the valley of said brook, at the point above mentioned, and at other points above the same, in the valley of said stream, to raise and retain the waters therein; and may erect and maintain reservoirs, enlarge water sources, make and maintain public hydrants, in such places as may be deemed

May build aqueduct, &c.

proper; may distribute the water through the city, and for that purpose, may lay down pipes to any house or building in the city, by consent of the owner or owners of them thereto, and may regulate the use of the water, and establish rents and prices to be paid therefor; and the city may, for the purposes aforesaid, carry and conduct any aqueduct or other work, over or under any street, highway, or other way, or in such manner as not to obstruct the travel thereon, and may enter upon and dig up any such road, street or way, by consent of the town in which the same may be, for the purpose of laying down pipes beneath the surface thereof, and for making and repairing the same: *provided, however*, that nothing contained in this section shall be so construed as to authorize said city to take or flow the land, or to take, or in any way injure, the property of any person or corporation, without the consent of the owner or owners thereof.

City to appoint
commissioners

SECT. 3. The rights, powers and authority given to the city of Worcester, by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such commissioners, officers, agents and servants, as the city council shall, from time to time, ordain, appoint and direct.

City to issue
scrip.

SECT. 4. For the purpose of defraying the cost and expenses of such land, estate, water, and water-rights, so purchased and held, for the purposes mentioned in this act, and of constructing said aqueduct and works necessary and proper for the accomplishment of this act, and all expenses incident thereto, the city council shall have authority, from time to time, to borrow such sum or sums of money, and to issue notes, scrip, or certificates of debts therefor, to an amount not exceeding two hundred and fifty thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, the said interest to be

When payable.

payable semi-annually, and the principal shall be made payable at periods not more than twenty years from the issuing of said scrip, notes or certificates, respectively; and the city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purpose of this act, on such terms and conditions as the city council shall judge proper; and the city council are hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money, not exceeding twenty thousand dollars in any one year, towards paying the principal of the money so bor-

rowed or obtained, and the interest thereof, in the same manner as money is appropriated, granted and assessed for other city purposes.

SECT. 5. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable. Price of water.

SECT. 6. If any person shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, stream, or water source, which shall be taken by the city, pursuant to the provisions of this act, or shall corrupt the same, or destroy or injure any dam, aqueduct pipe, conduit, hydrant, machine, or other property held, owned or used by the city, by the authority and for the purposes of this act, every such person or persons, shall forfeit and pay to said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action, and every such person or persons may, moreover, on indictment for and conviction of either of the wanton and malicious acts aforesaid, be punished by a fine, not exceeding one thousand dollars, and by imprisonment, not exceeding one year. Penalty for diverting water, &c.

SECT. 7. Nothing in this act contained shall be construed to authorize said city to take or to appropriate the property of any person or corporation, to its own use, unless it be by contract or agreement with the owner thereof. City to make contracts.

SECT. 8. The mayor and aldermen of said city shall notify and warn the legal voters of said city, to meet in their respective wards, on such day as the said mayor and aldermen shall direct, not exceeding sixty days from and after the passage of this act, for the purpose of giving their written votes upon the question, whether they will accept the same; and if a majority of the votes so given upon the question shall be in the negative, this act shall be null and void. Act void, unless accepted in sixty days.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1854.*]

Chap. 339 An Act for the better Security of Property in Logs, Masts, Spars, and other Timber.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for taking logs, &c.

SECT. 1. If any person shall, hereafter, unlawfully take, carry away, or otherwise convert to his own use, or shall cut up for the purpose of carrying away or converting to his own use, without the consent of the owner, any log or logs, suitable to be sawed or cut into boards, clapboards, shingles, joists, or other timber, or any mast or spar, the property of another, whether the owner thereof be known or unknown, lying or being in any river, pond, canal, lake, bay, stream, or inlet, within this Commonwealth, he shall be deemed guilty of a misdemeanor, and on conviction thereof, in the county where the offence was committed, before any justice of the peace, or police court, having cognizance thereof, shall be sentenced by such justice or police court, for each and every such log, mast, or spar, to pay a fine, to the use of the Commonwealth, of not less than five dollars and not more than twenty dollars, together with the costs of prosecution; or, instead of such fine and cost, the offender may be sentenced by such justice or police court, to confinement in the house of correction, or common jail, for a time not less than thirty days, nor more than six months.

Former acts not affected.

SECT. 2. Nothing herein contained shall be so construed as to affect any of the provisions of the fifty-second chapter of the Revised Statutes, or the provisions of chapter twenty-six of the acts of the year one thousand eight hundred and forty-one, entitled "An Act concerning Timber carried upon adjoining Lands by Floods."

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1854.*]

Chap. 340

An Act to establish the East Walpole Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John Morse, Francis W. Bird, Willard Lewis, their associates and successors, are hereby made a corporation, by the name of the East Walpole Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the

Powers, duties, &c.

forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof, relating to railroad corporations, and to all general laws which have been, or shall hereafter be passed, relative to railroad corporations.

SECT. 2. Said company is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point on the Boston and New York Central Railroad, near the South Dedham and East Walpole Station, on said Boston and New York Central Railroad in South Dedham, to some convenient point in East Walpole, near the Post Office; and to enter with their railroad, by proper turnouts and switches, upon the Boston and New York Central Railroad, at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

SECT. 3. The capital stock of said company shall not exceed two hundred and fifty shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said company; and said company may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

SECT. 4. No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

SECT. 5. If the location of this road shall not be filed within one year, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECT. 6. The said company are hereby authorized to extend their railroad hereby authorized, from its terminus in East Walpole, to unite with the Boston and New York Central Railroad at some convenient point between East Walpole and Walpole Centre, and to enter upon the Boston and New York Central Railroad, at the point aforesaid, and to use the same according to the provisions of law; and for the purposes of this extension, the capital stock of this company may be increased, by adding thereto not exceeding three hundred and fifty shares, of the value of one hundred dollars each.

SECT. 7. If the extension, authorized by the preceding section, shall not be located and built within three years from the passage of this act, then so much of this act as relates to such extension, shall be void.

May lease, &c.

SECT. 8. Said company is hereby authorized to make any contract with the Boston and New York Central Railroad Company, or its successors, for the leasing or the use and maintenance of the railroad hereby authorized.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1854.*]

Chap. 341

An Act to establish the Compensation of the Messengers and Door-keepers of the Senate and House of Representatives, and Assistant Messenger to Governor and Council.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Compensation established.

SECT. 1. The compensation of each of the door-keepers and messengers of the senate and house of representatives, and of the assistant messenger to the governor and council, from and after the first day of January last, shall be three dollars per day ; and the compensation of each of the pages of the senate and house of representatives shall be two dollars for each and every day they may be respectively employed in their several capacities.

Inconsistent act repealed.

SECT. 2. So much of the act passed April twenty-four, in the year one thousand eight hundred and fifty, as is inconsistent with the provisions of this act, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1854.*]

Chap. 342

An Act to incorporate the Ladies' Collegiate Institute.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Lemuel Porter, Amory Gale, E. A. Cummings, their associates and successors, are hereby made a corporation, by the name of the Ladies' Collegiate Institute, to be established in the town of Amherst, in the county of Hampshire, for educational purposes ; with all the powers and privileges, and subject to all the liabilities, duties and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c.

Hold real and personal estate

SECT. 2. Said corporation may hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars, to be devoted exclusively to the purposes of education. [*Approved by the Governor, April 21, 1854.*]

An Act to establish a Fire Department in the Town of Milford.

Chap. 343

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A fire department is hereby established in the town of Milford; subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine, and in all subsequent acts relating to fire departments. [*Approved by the Governor, April 21, 1854.*]

An Act to establish the Stone Quarry Railroad.

Chap. 344

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel C. Shapleigh, John H. Shapleigh, Austin Fenn, their associates and successors, are hereby made a corporation, by the name of the Stone Quarry Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which have been or which may hereafter be passed, relating to railroad corporations.

Corporators.

Duties, liabilities, &c.

SECT. 2. Said corporation may construct and maintain a railroad, from some convenient point in or near the stone quarry in the town of Westford, known as the Barnard Reed Ledge, to some convenient point on the Stony Brook Railroad, in said town of Westford, with authority to enter upon and unite their railroad, by proper turnouts and switches, with said Stony Brook Railroad, at the point aforesaid, and to use the same, or any part thereof, upon such terms as may be agreed upon by said two corporations, or determined according to the provisions of law.

Location.

May unite with another road.

SECT. 3. Said corporation shall have no authority to construct any part of their railroad on any land not owned by said Samuel C. Shapleigh, John H. Shapleigh or Austin Fenn, with the exception of that part of their said railroad which may cross highways or townways, and that part which shall be constructed on land belonging to said Stony Brook

Authority limited.

Railroad Corporation; and said corporation shall have no authority to use steam, as a motive power, on any part of their said railroad.

Capital, 250
shares, of \$100
each.

SECT. 4. The capital stock of said corporation shall consist of two hundred and fifty shares, of the par value of one hundred dollars each, and no assessment shall be laid thereon, of a greater amount in the whole than the par value thereof.

No shares to
be issued under
par.
Location and
construction.

SECT. 5. If the location of said railroad shall not be fixed, according to law, within two years, and if the said railroad shall not be constructed within three years from the passage of this act, this act shall be void.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1854.]

Chap. 345 An Act in addition to An Act to establish a Police Court in the Town of Blackstone.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Warrants re-
turnable to po-
lice court.

SECT. 1. Any justice of the peace within said town of Blackstone, may receive complaint and issue a warrant for any crime, offence, or misdemeanor, committed within said town; but all such warrants shall be made returnable before said police court; and if any warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees, payable therefor, shall not be paid or allowed, unless, on examination in hearing before said court, it shall appear to said court, that there was just and reasonable cause for issuing said warrant; and no justice who shall have issued a warrant, returnable before said court, shall be allowed to act as counsel in the examination or trial of the case.

Justice not to
act as counsel.

Inconsistent
act repealed.

SECT. 2. So much of the second section of the act to which this is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed. [Approved by the Governor, April 21, 1854.]

Chap. 346 An Act relative to the Police Court in Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Clerk to make
returns.

SECT. 1. The several returns required by law, from the police court of the city of Worcester, shall be made by the clerk of said court.

SECT. 2. The clerk of said court shall, hereafter, annually, in the month of January, exhibit to the treasurer of the county of Worcester, a true and particular account, under oath, of all sums of money by him received, accruing from fees, fines and penalties, in criminal prosecutions before said court. Moneys to be accounted for.

SECT. 3. The clerk of said court shall, immediately after the rendering of his account, pay over to the treasurer of the county of Worcester, any surplus remaining in his hands after paying the salaries of the justice and clerk of said court. Surplus paid to county treasurer.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. *[Approved by the Governor, April 21, 1854.]* Inconsistent acts repealed.

An Act concerning the Ministerial Fund of the First Parish in Springfield. *Chap. 347*
field.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The trustees of the ministerial fund of the first parish in Springfield, are hereby authorized to assign, transfer, and make over, all the securities and other property held by said trustees as a corporation, to said first parish, to be held by said parish for the same uses and upon the same trusts as they are now held by said trustees. May transfer property, &c.

SECT. 2. By said act of transfer and assignment, the securities aforesaid, so far as they consist of the notes and mortgages of said parish, heretofore given by the same to said trustees, shall no longer be of any force or validity, but the same may be discharged and cancelled by said parish, and the residue of said securities and property so transferred and assigned, may be applied, from time to time, by said parish, so far as it may be necessary, to the purchase of the pews in the meeting-house of said parish that do not now belong to the same, and to other parochial purposes and uses, for the benefit of said parish. Securities may be cancelled.

SECT. 3. The corporation aforesaid, entitled "The Trustees of the Ministerial Fund of the First Parish of Springfield," shall, whenever the transfer and assignment aforesaid is made and fully completed, be thereby dissolved, and the members thereof be no longer subject to any further liabilities, obligations or duties, as such trustees; and said parish shall, thereafter, have all the powers in reference to said securities and property, that are now vested in said trust- Residue, how applied. Corporation dissolved. Parish to have trustee powers.

tees, and may, in the name of said parish, institute and prosecute any suit or suits for enforcing the collection of said securities, or obtaining possession of any property belonging to said trustees, that may be necessary for that purpose.

When to take effect.

SECT. 4. This act shall take effect whenever it shall be accepted, in writing, by the present settled minister of said parish, and by the trustees aforesaid. [*Approved by the Governor, April 22, 1854.*]

Chap. 348

An Act to increase the Capital Stock of the Pacific Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Pacific Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding one million of dollars, and to invest the same in such real and personal estate as may be necessary and convenient for the purposes for which they were incorporated. [*Approved by the Governor, April 22, 1854.*]

Chap. 349

An Act to incorporate the Worcester Machine Shop Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William T. Merrifield, Elijah B. Stoddard, Dwight Foster, their associates and successors, are hereby made a corporation, by the name of the Worcester Machine Shop Company, for mechanical and manufacturing purposes, in the city of Worcester, in the county of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties, &c.

Real estate, \$200,000 ; capital, \$250,000.

SECT. 2. The said corporation, for the purposes aforesaid, may take and hold real estate, not exceeding two hundred thousand dollars; and their whole capital stock shall not exceed two hundred and fifty thousand dollars.

No shares to be issued under par.

SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 22, 1854.*]

An Act to establish a Fire Department in the Town of Great Barrington. *Chap. 350*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A fire-department is hereby established in the town of Great Barrington, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. Powers, duties, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1854.*]

An Act to authorize the Town of Plymouth to procure a supply of Water. *Chap. 351*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The town of Plymouth, in the county of Ply-
mouth, is hereby authorized, by and through the agency of such officers as the legal voters of said town may elect, to acquire and hold by purchase, and convey through any part of said town, the water of any pond, spring, or stream in said town; to purchase the franchise, rights, fixtures, and property of any aqueduct corporation now in existence in said town, and to acquire and hold by purchase, any lands or other real estate, not exceeding in value twenty thousand dollars, which may be necessary for constructing and maintaining an aqueduct for the supply of pure water to the inhabitants of said town of Plymouth; and said town may erect and establish such dams, reservoirs and hydrants, as may be found desirable, and in general do any act necessary or proper for the purpose of constructing and maintaining said aqueduct. May purchase water, &c., and construct an aqueduct.

SECT. 2. Said town may lay such pipes as may be necessary for the distribution of water in said town, prescribe the purposes for which hydrants may be used, regulate the use of water, and establish such prices to be paid for the use of the same, as they may deem expedient and proper: *provided*, that not less than five dollars per annum shall be charged for each family using the same, and a like proportion in other cases. May erect dams, &c.

SECT. 3. The said town of Plymouth shall be liable to May lay pipes, and regulate water rents.

Proviso.

Damages, &c.

pay all damages that shall be sustained, by any person or corporation, in their property, by the construction of any dam, aqueduct, reservoir or other works, for the purposes of this act, to be assessed in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes; but nothing in this act shall authorize said town to flow the lands of any person or persons without their consent.

Not to flow
without con-
sent.
May issue scrip

SECT. 4. For the purpose of defraying the expense of the construction of said aqueduct, and of the purchase of any lands, real estate, rights and franchises, and all other expenses incident to the same, the said town may issue scrip, notes, or certificates of debt, to be called Plymouth Water Scrip, to an amount not exceeding thirty thousand dollars, bearing interest at a rate not exceeding the legal rate in this Commonwealth, said interest payable semi-annually, and the principal payable at periods not exceeding thirty years from the date of the issue of said scrip, notes or certificates. And said town, in such manner as its legal voters may elect, may sell the same, from time to time: *provided*, no scrip shall be issued for the payment of any interest on money borrowed for the purpose of this act, after the expiration of two years from the completion of said waterworks.

Proviso.

Surplus income
how applied.

SECT. 5. The surplus of the net income derived from said waterworks, after payment of the semi-annual interest upon said scrip, and after deducting all the charges of distribution and repairs, and other expenses incident to the same, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment of said scrip at maturity. And the selectmen of said town, for the time being, shall be commissioners to hold, invest and manage said sinking fund, rendering to said town, at each annual meeting, a statement of the condition thereof.

Selectmen to
manage sink-
ing fund.

SECT. 6. The selectmen of said town of Plymouth shall notify and warn the legal voters of said town, to meet at such time and place as said selectmen shall direct, not exceeding six months from and after the passage of this act, for the purpose of giving in their printed or written votes, upon the question whether they will accept the same; and if a majority of the vote so given shall be in the negative, this act shall be null and void.

When to take
effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1854.*]

An Act to incorporate the Monument Hotel Company.

Chap. 352

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Dana, G. Washington Warren, George B. Neal, their associates and successors, are hereby made a corporation, by the name of the Monument Hotel Company, for the purpose of erecting and maintaining in the city of Charlestown, buildings necessary and convenient for a public house; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel-keeping.

Corporators.

Purpose.

Powers, duties, &c.

Proviso.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient for the purposes aforesaid, not exceeding, in amount, one hundred and twenty thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, April 24, 1854.]

Hold real and personal estate

No shares to be issued under par.

An Act authorizing certain Railroads to Tap the Cochituate Water Pipe at Charlestown.

Chap. 353

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Maine Railroad, the Eastern Railroad, and the Fitchburg Railroad Companies, with the assent of the city of Boston, and on such terms and conditions as the said city shall determine, are hereby severally authorized to insert into the main pipe which conveys the Cochituate water to the State Prison, a service pipe for the purpose of taking water for the use of said corporations respectively: *provided*, that each of said corporations inserting a service pipe, as aforesaid, pay to the warden of the State Prison such sum or sums, for the use of such pipe, as may be mutually agreed upon by the inspectors of said prison and such corporation.

Corporations may take water.

Proviso.

SECT. 2. Each of said corporations shall have power, with the assent of the city of Charlestown, to open any of the streets or ways of said city, that may be necessary for

May open streets, &c.

the purpose of laying down or repairing the service pipes aforesaid.

To cross channel.

SECT. 3. Each of said corporations is hereby authorized to carry said service pipe across the channel of Miller's River, in such manner as not to interfere with the navigation thereof; the manner of crossing said channel to be under the direction of a commissioner who shall be appointed by the governor for that purpose, and who shall be paid for his services by the corporation or corporations requiring such services.

SECT. 4. This act shall be void unless accepted by the city council of Boston within sixty days after its passage. [Approved by the Governor, April 24, 1854.]

Chap. 354 An Act in addition to an Act relating to the Annual Reports of Railroad Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The secretary of the Commonwealth shall cause three thousand copies of the annual reports of the several railroad corporations to be printed as document number two of the senate, and shall submit the same to the legislature on or before the thirty-first day of January in each year. [Approved by the Governor, April 24, 1854.]

Chap. 355 An Act concerning the State Pauper Establishments within this Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$50,000 appropriated.

SECT. 1. The sum of fifty thousand dollars is hereby appropriated to be applied by the commissioners under chapter two hundred and seventy-five of the acts of eighteen hundred and fifty-two, being an act entitled "An Act in relation to Paupers having no legal settlement in this Commonwealth," to the objects and in the manner following, to wit:—

\$10,960 for general deficiencies.

First. The sum of ten thousand nine hundred and sixty dollars, to make up the deficiency in the general appropriation for the several State Almshouses, caused by the payment of architects, commissioners, and for the salary of the keeper of Rainsford Island.

Second. The sum of twelve thousand eight hundred dollars for the payment of debts incurred and contracts entered into in the building and furnishing of the State Almshouse at Monson, and for the construction of sheds, out-houses, ice-house, and tomb. \$12,800 at
Monson.

Third. The sum of eleven thousand two hundred dollars for the payment of debts incurred and contracts entered into in the building and furnishing of the State Almshouse at Bridgewater, and for the construction of sheds, out-houses, ice-house, and tomb. \$11,200 at
Bridgewater.

Fourth. The sum of fifteen thousand and forty dollars for the payment of debts incurred and contracts entered into in the building and furnishing of the State Almshouse at Tewksbury, and for the construction of sheds, out-houses, ice-house, and tomb. \$15,040 at
Tewksbury.

SECT. 2. The treasurer of the Commonwealth is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding fifty thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, with warrants for the interest attached thereto, which scrip or certificates shall be redeemable in twenty years from the date thereof, and be deemed a pledge of the faith and credit of the Commonwealth; and the said treasurer may, under the direction of the governor, dispose of any portion of said scrip at any price not less than its par value. Treasurer may
issue scrip.

SECT. 3. The premium, if any, which may be received upon the sale of the scrip herein-before authorized, shall be added, in equal sums, to the several appropriations to the State Almshouses at Monson, Bridgewater, and Tewksbury, made by this act. Premium, how
disposed of.

SECT. 4. The governor, with the advice and consent of the council, may transfer such portions of the sums appropriated to the several State Almshouses as may not be needed, to each and any one of said buildings, when it shall be found necessary for the completion or furnishing thereof. Governor may
transfer appro-
priations.

SECT. 5. Three thousand dollars annually, in addition to the sum provided by section thirteen of chapter two hundred and seventy-five of the acts of eighteen hundred and fifty-two, shall be reserved from the amount received from alien passengers arriving in the Commonwealth, to constitute a sinking fund for the redemption of the scrip issued both under this act and chapter three hundred and fifty-two Sinking fund.

of the acts of eighteen hundred and fifty-three, entitled "An Act concerning the State Pauper Establishments within this Commonwealth."

Future con-
tracts, how
made.

SECT. 6. All contracts to be made after the passage of this act, either for materials or labor for completing said almshouses, sheds, out-houses, ice-houses, tombs, or any other thing, shall be made and performed under the direction of the superintendent and inspectors of the several establishments, any thing in this or any other act to the contrary notwithstanding; and the term of service of the commissioners appointed under the act of eighteen hundred and fifty-two, chapter two hundred and seventy-five, shall expire on the first day of May ensuing.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1854.*]

Chap. 356

An Act to incorporate the Hebrew Mutual Relief Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. L. Cudkirk, M. Goodheim, Julius Felbel, J. Bornstein, Henry S. Spia, their associates and successors, are hereby made a corporation, by the name of the Hebrew Mutual Relief Society, in the city of Boston, for the purpose of affording, by means of a stated contribution from the members, relief to each other in cases of sickness; and by the same means to raise a fund, from which shall be defrayed the expense of the funeral of a member, or of any of his family; and from which other charitable disbursements may be made; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Powers, privi-
leges, &c.

Hold real and
personal estate

SECT. 2. The said corporation may hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, April 24, 1854.*]

Chap. 357

An Act to incorporate the Newburyport Five Cents Savings Bank, in Newburyport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Dudley D. Tilton, John Balch, E. S. Lesley, John Potter, Daniel P. Pike, Benjamin J. Lane, L. F.

Dimick, D. M. Reed, S. F. Spaulding, William C. Balch, R. Plummer, their associates and successors, are hereby made a corporation, by the name of the Newburyport Five Cents Savings Bank, to be established in the city of Newburyport, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. Powers, duties, &c.

SECT. 2. Said corporation shall receive on deposit, sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees may pay to minors.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1854.*]

An Act to protect the Property of the Humane Society of Massachusetts. *Chap. 358*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every person who shall, unlawfully, enter any house or hut, the property of the Humane Society, and wilfully injure, destroy, remove or carry away, any food, fuel, oil, candles, furniture, utensils or other property belonging to said society, or who shall unlawfully or wilfully enter any boat-house, and carry away, remove or injure, any life-boat, car, or any of the ropes, tackle, oars, or any appurtenance thereof, or wilfully injure or destroy, or unlawfully use or commit any trespass upon, the property of said society, intended or kept for the purpose of saving or preserving human life, or who shall commit any trespass upon any such hut or boat-house, shall be deemed guilty of a misdemeanor, and be liable to be tried, on indictment or complaint, before any court or justice of the peace of the county in which said offence shall be committed, proper to try the same; and on conviction thereof, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the Trespassers, how punished.

common jail or house of correction not exceeding ninety days, according to the nature and aggravation of the offence: *provided, however*, that this act shall not apply to persons for whose use said boats, houses, and other property are intended and kept.

Duty of certain officers.

SECT. 2. It shall be the duty of all pilots, commissioners of wrecks, sheriffs, and their deputies, and constables, to make complaint against all persons guilty of any offence under this act. [*Approved by the Governor, April 24, 1854.*]

Chap. 359 An Act granting certain powers to the Greenfield Aqueduct Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May enter upon and dig up lands.

SECT. 1. The Greenfield Aqueduct Company is hereby authorized, to enter upon, and dig up, any and all lands, necessary for laying and maintaining aqueducts, reservoirs and fountains, required for the use of their works.

Land damages, how recovered.

SECT. 2. All damages sustained by entering upon, or digging up lands for either, or any of the above purposes, shall be ascertained, determined and recovered, in the same manner as is now provided in cases where land is taken for highways; and no construction of any work by said corporation, shall be commenced until all damages shall have been ascertained, or agreed upon, and paid to the person or persons damaged thereby.

Same remedy for flowage.

SECT. 3. In case any damage shall arise, thereafter, from said works, by reason of any leakage, flowage, or other unforeseen cause, the individuals, so damaged, shall have the same remedy as is provided in the preceding section.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1854.*]

Chap. 360 An Act to incorporate the Reading Lyceum Hall Association.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Edward Safford, Samuel T. Ruggles, Ignatius Sargent, their associates and successors, are hereby made a corporation, by the name of the Reading Lyceum Hall Association, for the purpose of erecting, holding and managing, a Lyceum Hall, in the town of Reading, with all the rights

Purpose.

and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Duties, liabilities, &c.

SECT. 2. The said corporation, for the purpose aforesaid, may hold real and personal estate, to an amount not exceeding twenty-five thousand dollars. Hold real and personal estate

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1854.*]

An Act to regulate the Inspection and Measurement of Bark.

Chap. 361

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The government of any city of this Commonwealth which, by a vote of its city council, shall adopt this act, may establish ordinances and regulations, with suitable penalties, for the inspection, survey, admeasurement and sale of bark, for fuel or manufacturing purposes, brought by land or by water into said city for sale, whether the same shall be exposed for sale in ranges or upon any cart or other vehicle ; and said city may also provide for the appointment of such surveyors, inspectors, and other officers, as may be necessary to carry into effect said ordinances, and may establish their fees of office : *provided, however,* that no one penalty for any one violation shall exceed the sum of five dollars. Cities may regulate, &c.
[*Approved by the Governor, April 24, 1854.*]

An Act to incorporate the Boston Provident Association.

Chap. 362

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ephraim Peabody, F. E. Parker, J. D. W. Joy, their associates and successors, are hereby made a corporation, by the name of the Boston Provident Association, for the purpose of suppressing street beggary, and of elevating and improving the condition of the poor ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Purpose. Powers, privileges, &c.

SECT. 2. Said corporation may hold real and personal estate, not exceeding in amount the sum of fifty thousand dollars, to be exclusively devoted to the purpose above-named. Hold real and personal estate
[*Approved by the Governor, April 24, 1854.*]

Chap. 363

An Act to incorporate the River-Side Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** A. F. Hildreth, J. E. Woodbridge, S. J. Eaton, their associates and successors, are hereby made a corporation, by the name of the River-Side Academy, in the town of Newton, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c. **SECT. 2.** Said corporation may hold real and personal estate, to the amount of twenty-five thousand dollars. [*Approved by the Governor, April 24, 1854.*]

**Hold real and
personalestate**

Chap. 364

An Act to change the Name of the South Parish in Scituate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The corporate name of the South Parish, in Scituate, is hereby changed, and said parish shall hereafter be called and known by the name of the First Parish in South Scituate. [*Approved by the Governor, April 24, 1854.*]

Chap. 365

An Act to incorporate the Trustees of the Severy School Fund, in Gardner.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

**Trustees of
school fund.** **SECT. 1.** The inhabitants of school district number two, in the town of Gardner, at any meeting duly called under a warrant having an article therein for that purpose, may elect three persons, who shall thereafter be constituted a body corporate, by the name of the Trustees of the Severy School Fund, in South Gardner; and whenever a vacancy shall occur in the said board of trustees, such vacancy shall be supplied by a new election by the inhabitants aforesaid, at a meeting duly called, in the manner above provided, for that purpose.

**Vacancies,
how filled.**

**Power of trust-
tees.**

SECT. 2. Such trustees, or a major part thereof, shall have full power and authority to take and receive from the trustees appointed under and by virtue of the last will and

testament of Abijah M. Severy, late of said Gardner, deceased, the income of the fund bequeathed in said last will, for the purpose of being expended for the support of a school for the benefit of the inhabitants of South Gardner Village, and to manage and expend the same for the support of a school, in conformity with the directions contained in said will. Income of fund
how expended.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1854.*]

An Act to incorporate the Proprietors of the Parsonage in the First Parish in Amherst. Chap. 366

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Dickinson, John Leland, Edward Dickinson, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Parsonage in the First Parish in Amherst; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes. Corporators.

Powers, duties,
&c.

SECT. 2. Said corporation may hold real and personal estate, sufficient for said parsonage, to an amount not exceeding in value five thousand dollars, in shares at fifty dollars each. [*Approved by the Governor, April 24, 1854.*] Hold real and
personal estate

An Act in relation to the Militia.

Chap. 367

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The commanding officer of each brigade shall, within thirty days after each tour of camp duty performed by the troops under his command, transmit to the commanding officer of his division a correct return of the state of his brigade, as furnished by the brigade-major, in conformity to section eleventh of chapter two hundred and eighteen of the acts of the year eighteen hundred and forty-nine. Time of making
returns.

And the commanding officer of each division shall, within ten days after the receipt of said returns of the brigades under his command, transmit to the office of the adjutant-general a correct return of the state of his division, as derived from said brigade returns.

Penalty for neglect.

SECT. 2. The penalty for neglecting to make the returns aforesaid shall be one hundred dollars in each case, to be recovered in the manner provided in section twelve, chapter two hundred and eighteen, of the acts of the year eighteen hundred and forty-nine.

Elementary drills.

SECT. 3. The commanding officer of every regiment, battalion or detached company, may order out the commissioned and non-commissioned officers under his command, for elementary drill, two separate days between the middle of May and the middle of July, in each year, at such place as he shall deem most convenient; and if the place of any such commissioned or non-commissioned officer, in any company, shall be vacant, from any cause, it shall be the duty of the commanding officer of such company to detail from the privates under his command, a number sufficient to make up the complement of commissioned and non-commissioned officers to which by law his company is entitled.

And each person so ordering and so ordered, that shall attend any such drill, shall receive, for his necessary travel to and from the place of drill, the sum of five cents per mile, not exceeding forty miles in all.

Penalty for non-attendance.

SECT. 4. Every commissioned, non-commissioned officer or private, unnecessarily neglecting to attend, at the time and place appointed for drill, as aforesaid, shall forfeit and pay the sum of three dollars for every such neglect, to be recovered by any commissioned officer, in and for the use of his regiment, battalion, or detached company.

Amount for travel to be certified.

SECT. 5. The amount to which each person is entitled for travel, as aforesaid, shall be certified to the adjutant-general, under oath, by the commanding officer of each regiment, battalion, or detached company, and the same shall be paid from the treasury of the Commonwealth, as follows, viz.: That portion for travel of commissioned officers, non-commissioned officers and privates of companies, to the commanding officers thereof, and that portion for travel of field and staff-officers of regiments or battalions, to the commanding officers thereof respectively, to be by them paid over to the parties entitled thereto.

Commanding officers may discharge, &c.

SECT. 6. Any commanding officer of a regiment or battalion may, upon the written application of the commanding officer of any company in his regiment or battalion, discharge any non-commissioned officer or private from such company: *provided*, such application be accompanied by a request in writing therefor, signed by said non-commissioned officer or private; and any commanding officer of a detached com-

Proviso.

pany may, upon application in writing, signed by any member of his company, discharge said member therefrom; and in all cases the commanding officers of regiments, battalions, or detached companies, may grant discharges of non-commissioned officers or privates, when requested so to do by a vote of a majority of the active members of the company, of which the party whose discharge is sought is a member.

SECT. 7. No complaint or charge shall be preferred against any commissioned officer by any non-commissioned officer or private, unless for some offence committed by such commissioned officer while in the actual service of the State, or of the United States; nor unless such complaint or charge be preferred by such non-commissioned officer or private before leaving the service.

Complaints,
when preferred

SECT. 8. Any captain, or staff-officer of the rank of captain, may preside at the election of any officer of equal or inferior grade within the limits of his regiment or battalion, and in all elections of officers of whatever rank, the presiding officer shall keep a record of the proceedings at such elections, and make return thereof to the commanding officer of his battalion, regiment, brigade or division, as the case may be.

Presiding officer
at elections

SECT. 9. All elections of officers shall be holden at the place most convenient of access to a majority of the electors; and any officer ordering an election may preside thereat himself, or he may detail for that purpose some other officer of suitable rank. And in case the officer attending any such election shall be obliged to go out of the limits of the city or town in which he resides, he shall be allowed for travel at the rate of five cents per mile each way.

Where held.

SECT. 10. The nineteenth section of chapter twelve of the Revised Statutes; the third section of chapter one hundred and four of the acts of the year eighteen hundred and fifty-two; so much of the tenth and eleventh sections of chapter two hundred and eighteen of the acts of the year eighteen hundred and forty-nine, as requires duplicate returns to be made to the adjutant-general, and all other acts and parts of acts inconsistent with the provisions of this act, are severally hereby repealed.

Inconsistent
acts repealed.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, April 25, 1854.*]

Chap. 368 An Act to incorporate the Tremont Wharf Company, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George Peabody, John Eliot Thayer, Nathaniel Thayer, their associates and successors, are hereby made a corporation, by the name of the Tremont Wharf Company; with power to purchase and hold, in fee simple, or otherwise, as the title may be, any part, or the whole of the estate on Commercial Street, in Boston, and known as Fiske's Wharf, with all the privileges and appurtenances to the same belonging; and also, any lands, tenements, and hereditaments adjoining said estate, not exceeding in value, at the time of the purchase thereof, together with said estate, the sum of two hundred and fifty thousand dollars. And the said corporation may construct docks and wharves; lay vessels within the same, and at the side thereof, and receive dockage and wharfage therefor; erect buildings, lay out streets and passage ways, and improve and manage said property for mercantile purposes, in such manner as to them shall seem expedient, and may sell and convey the same, or any part thereof: *provided, however*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises, which is not now authorized by law.

May hold property to amount of \$250,000.

May construct docks, &c.

Proviso.

2,500 shares, of \$100 each.

SECT. 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding twenty-five hundred, into which their stock shall be divided, which shares shall be personal estate, and shall be transferable in a book to be kept by the clerk of the corporation for that purpose; may, from time to time, assess upon the stockholders such sums of money, not exceeding in the whole, one hundred dollars on each share, as may be necessary for the purchase, improvement and management of their estate, and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholder, as may be sufficient therefor, to be sold, in such manner as the said corporation may, by their laws, determine: *provided, however*, that such sale shall be by public auction, to the highest bidder, after giving notice of the time and place appointed for such sale, and the sum due on each share, by advertising the same, three weeks successively, in some newspaper printed in Boston; and the surplus proceeds of

Shares sold for non-payment.

Proviso.

such sale, above the assessment so due, with interest and charges of sale, shall be repaid to such delinquent stockholder.

SECT. 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of Revised Statutes. *[Approved by the Governor, April 25, 1854.]* Powers, duties, &c.

An Act to incorporate the Shoe and Leather Dealers' Marine Insurance Company. Chap. 369

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis S. Newhall, George Hood, Francis Dane, their associates and successors, are hereby made a corporation, by the name of the Shoe and Leather Dealers' Marine Insurance Company, to be established in the city of Boston, for the purpose of making insurance against marine losses, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all general laws, which are now, or may hereafter be in force, relative to insurance companies. Corporators.
Purpose.
Powers, privileges, &c.

SECT. 2. The said corporation shall have a capital stock of one hundred and fifty thousand dollars, divided into shares of one hundred dollars each; with liberty to pay in and increase the same to any amount not exceeding five hundred thousand dollars; and may hold real estate for its use, not exceeding fifty thousand dollars. Capital stock,
\$150,000,
in shares of
\$100 each.
May increase
to \$500,000.
Real estate,
\$50,000.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 25, 1854.]*

An Act to incorporate the Cambridge Glass Company.

Chap. 370

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Slocomb, John Livermore, Edward Richardson, their associates and successors, are hereby made a corporation, by the name of the Cambridge Glass Company, for the purpose of manufacturing glass in the city of Cambridge, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions Powers, duties, &c.

and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

\$150,000 real
and personal
estate.

No shares to
be issued un-
der par.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount, one hundred and fifty thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 25, 1854.*]

Chap. 371

An Act to incorporate the Massachusetts Emigrant Aid Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Benjamin C. Clark, Isaac Livermore, Charles Allen, Isaac Davis, William G. Bates, Stephen C. Phillips, Charles C. Hazewell, Alexander H. Bullock, Henry Wilson, James S. Whitney, Samuel E. Sewall, Samuel G. Howe, James Holland, Moses Kimball, James D. Green, Francis W. Bird, Otis Clapp, Anson Burlingame, Eli Thayer, Otis Rich, their associates, successors and assigns, are hereby made a corporation, by the name of the Massachusetts Emigrant Aid Company, for the purpose of assisting emigrants to settle in the West; and for this purpose, they shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties,
&c.

Capital stock,
\$5,000,000.

Proviso.

SECT. 2. The capital stock of said corporation shall not exceed five millions of dollars. Said capital stock may be invested in real and personal estate: *provided*, the said corporation shall not hold real estate in this Commonwealth to an amount exceeding twenty thousand dollars.

Shares (\$100
each) how as-
sessed.

SECT. 3. The capital stock of said corporation shall be divided into shares of one hundred dollars each; but no more than four dollars on each share shall be assessed during the year eighteen hundred and fifty-four, and no more than ten dollars on each share shall be assessed in any one year thereafter.

Votes of stock
holders.

SECT. 4. At all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share held by him: *provided*, that no stockholder shall be entitled to cast more than fifty votes on shares held by himself, nor more than fifty votes by proxy.

SECT. 5. This act shall take effect ^{*}on and after its passage. [*Approved by the Governor, April 26, 1854.*]

An Act establishing the Salaries of Judges and Registers of Probate. *Chap. 372*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The several judges and registers of probate shall receive for their services, an annual salary, as specified herein:— Salaries established.

The judge of probate for the county of Suffolk, the sum of nine hundred dollars.

The judge of probate for the county of Essex, the sum of eight hundred dollars.

The judge of probate for the county of Middlesex, the sum of eight hundred dollars.

The judge of probate for the county of Worcester, the sum of eight hundred dollars.

The judge of probate for the county of Plymouth, the sum of five hundred dollars.

The judge of probate for the county of Bristol, the sum of five hundred dollars.

The judge of probate for the county of Barnstable, the sum of five hundred dollars.

The judge of probate for the county of Dukes County, the sum of one hundred and fifty dollars.

The judge of probate for the county of Nantucket, the sum of two hundred dollars.

The judge of probate for the county of Berkshire, the sum of four hundred and twenty-five dollars.

The judge of probate for the county of Norfolk, the sum of six hundred dollars.

The judge of probate for the county of Hampden, the sum of three hundred and fifty dollars.

The judge of probate for the county of Franklin, the sum of three hundred dollars.

The judge of probate for the county of Hampshire, the sum of three hundred dollars.

The register of probate for the county of Plymouth, the sum of seven hundred dollars.

The register of probate for the county of Bristol, the sum of eight hundred dollars.

The register of probate for the county of Barnstable, the sum of five hundred and fifty dollars.

The register of probate for the county of Dukes County, the sum of one hundred and seventy-five dollars.

The register of probate for the county of Nantucket, the sum of three hundred dollars.

The register of probate for the county of Berkshire, the sum of six hundred dollars.

The register of probate for the county of Norfolk, the sum of eight hundred dollars.

The register of probate for the county of Hampden, the sum of six hundred dollars.

The register of probate for the county of Franklin, the sum of four hundred and fifty dollars.

The register of probate for the county of Hampshire, the sum of four hundred and seventy-five dollars.

How paid.

SECT. 2. The said salaries shall be paid in equal quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July, and October, in every year, and in the same proportion for any part of a quarter, when necessary.

When to commence.

SECT. 3. The salaries herein provided, shall commence on the first day of January last.

Inconsistent acts repealed.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1854.*]

Chap. 373

An Act concerning the Salary of the Adjutant-General.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary fixed.

SECT. 1. The salary of the adjutant-general of this Commonwealth shall hereafter be at the rate of fifteen hundred dollars a year, payable quarterly.

When to commence.

SECT. 2. The salary aforesaid shall be computed and paid from and after the first day of January last.

Part of act repealed.

SECT. 3. Section first of chapter thirteen of the statutes of eighteen hundred and forty-three, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1854.*]

An Act to incorporate the Springfield Five Cents Savings Bank. *Chap. 374*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. Rice, William B. Calhoun, Harvey Danks, J. T. Rockwood, Ephraim W. Bond, S. S. Rollins, Horace Cutler, J. Stearns, Daniel Bontecou, Jos. E. Pynchon, C. O. Chapin, E. Brigham, their associates and successors, are hereby made a corporation by the name of the Springfield Five Cents Savings Bank, to be established in the city of Springfield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Powers, duties, &c.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor. Trustees may pay to minors. Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1854.*]

An Act to authorize the City of Boston to Appropriate Money for the Relief of the Families of Disabled Firemen. *Chap. 375*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is hereby authorized to expend a sum not exceeding one thousand dollars annually, under the direction of the city council, for the relief of such firemen as shall have been disabled in the service of the said city, and for the relief of the families of such firemen as have been killed in the performance of their duties. Relief of firemen, &c.

SECT. 2. This act shall take effect from and after its acceptance by the city council of Boston. [*Approved by the Governor, April 27, 1854.*]

Chap. 376 An Act to authorize the County Commissioners of the County of Middlesex to alter the Highway and Bridge between Charlestown and Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Highway and
bridge altered.

SECT. 1. The county commissioners of the county of Middlesex are hereby authorized and empowered so to alter the highway and bridge between Charlestown and Cambridge, established by the act passed April twenty-fourth, in the year eighteen hundred and thirty-eight, being chapter one hundred and seventy-four of the laws of that year, as to afford greater security to the public travel across the several railroads crossing said highway or bridge, and greater facilities for navigation: *provided*, the same can be done with the concurrence, and at the expense, of said railroad corporations.

Proviso.

May take land.

SECT. 2. The said county commissioners are hereby authorized to enter upon and take so much of the land of the Commonwealth connected with the State Prison as may be necessary for the carrying out of the purposes of this act: *provided, however*, that the alignment of the road, in front of the State Prison premises, shall be improved by running in a straight line from a point on the line of the land now or late belonging to one Foss, not less than eighty-two feet from the south-easterly corner of the new wing of the State Prison; and thence running in a south-westerly direction, to such a point on the line of the State Prison premises, on Austin Street, as shall carry the line of the highway at a distance of not less than twenty-eight feet from the said corner of the new wing of the State Prison; that the land between said line and the State Prison premises shall become the property of the Commonwealth for the purposes of the Prison; and that the damages which may accrue in consequence of such straightening of the highway over and above the value of the Prison lands, so taken, shall be borne by the Commonwealth.

Injured parties
may recover.

SECT. 3. All persons injured in their property by said alteration, shall be entitled to remedies by like course of proceeding, and to the same extent as is now provided by law for the assessment of damages occasioned by the laying out, alteration or discontinuance of highways.

Repairs, &c.

SECT. 4. The cities of Cambridge and Charlestown shall not be required to pay any greater sum toward the maintenance and repair of said highway and bridge, so altered

as aforesaid, than they now are required to pay toward the maintenance and repair of said highway and bridge.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1854.*]

An Act relating to Sales under Powers in Mortgage Deeds.

Chap. 377

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. In all cases in which a power of sale is contained in a mortgage deed of real property, when a conditional judgment has been entered, the demandant may, if he so elect, instead of a writ of possession, have a decree entered, that the property be sold pursuant to the power of sale in the deed of mortgage, and thereupon the demandant shall give such notices, and do all such acts, as are authorized and required by such power, or by the court passing such decree; and if the deed of mortgage containing such power of sale was executed by a man having at the time no lawful wife, or if, being married, the wife of the mortgagor joined in such deed in token of her release of dower, such sale shall be effectual to bar all claim and possibility of dower in the land so mortgaged.

Sale may be decreed pursuant to deed of mortgage.

SECT. 2. The party so selling shall, within ten days after such sale, make a report thereof, and of his doings, to the court, under his oath, and file the same in the clerk's office, and the same may be confirmed and allowed, or set aside and a resale ordered, as to the court shall seem lawful. Any person interested may intervene, or be summoned and heard on such proceedings, and the order of the court confirming the sale shall be conclusive evidence as against all persons, that the power of sale was duly executed.

Report of sale made within ten days.

SECT. 3. If the tenant in the action in which such decree of sale is to be made shall not be seized in fee simple in possession of the whole equity of redemption of the land demanded, no decree for a sale shall be made until all parties interested in such equity of redemption, and whose estate, or interest therein, would be affected by such sale, including any married woman having right or possibility of dower, shall have been summoned to appear, and shall have had due opportunity to be heard, according to the order of court. [*Approved by the Governor, April 27, 1854.*]

Parties interested heard before decree.

Chap. 378

An Act to Prevent the Obstruction of Streets by Railroads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty.

If any railroad corporation, or their servants or agents, shall wilfully or negligently obstruct any highway, townway, or public street, in this Commonwealth by their engines, tenders or cars, such corporation shall be liable to a fine not exceeding one hundred dollars for every such offence, to be recovered by indictment in the court of common pleas held for the county in which such offence shall be committed. [Approved by the Governor, April 27, 1854.]

Chap. 379

An Act to incorporate the New England Wax Thread Sewing Machine Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Elmer Townsend, William Butterfield, Edgar M. Stevens, their associates and successors, are hereby made a corporation, by the name of the New England Wax Thread Sewing Machine Company, for the purpose of constructing sewing machines, suitable for the manufacture of boots, shoes, harnesses, sails, garments, and other articles manufactured from leather, India rubber, cloth, or other fabrics, in the city of Boston, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, privileges, &c.

Real estate,
\$50,000;
capital,
\$300,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty thousand dollars; and the whole capital stock of said corporation, shall not exceed the amount of three hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares, in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 27, 1854.]

An Act to Prevent Extortion by Witnesses.

Chap. 380

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If any person, with a design to defraud, shall sign a certificate of attendance or travel as a witness before any court or justice of the peace, or before any reference founded upon any rule of court in any case in which he did not so attend, or for a greater number of days than he did actually attend, or for a greater number of miles than he did actually travel, upon which said certificate the attendance or travel so claimed shall be allowed in the taxation of costs, every person signing such false certificate, and every person procuring such signature, shall forfeit and pay thirty dollars for every such offence, which sum may be recovered for the use of the Commonwealth, by indictment, in any court proper to try the same; or it may be recovered for the use of any person against whom such excessive costs may have been taxed, together with four times the whole amount which may have been taxed for attendance or travel on such false certificate, and double costs, in an action of tort, to be brought by the person against whom such excessive costs may have been taxed: *provided, however*, that no such indictment or action shall be commenced, unless within two years after the committing of the offence. [*Approved by the Governor, April 27, 1854.*]

Penalty for making false certificates.

Proviso.

An Act for the Obtaining Lands for Public Purposes.

Chap. 381

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. His excellency the governor, with the advice of the council, is hereby authorized to purchase or take for the use of the Commonwealth, as is herein-after provided, for the purpose of extending the limits of the State Prison, the whole or any part of the lands lying contiguous to the prison in Charlestown, and within the following limits, viz.: beginning on the northerly line on Austin Street, where the said line first touches the southerly boundary of the present prison limits, near the south-easterly corner of the new prison building; thence running north-easterly by a line coincident with the south-easterly boundary of the prison lands, and onward in a straight direction until it intersects

Lands to be purchased.

with the south-westerly line of Richmond Street, or the continuation thereof; then turning and running easterly by said line in a straight direction to Chapman Street; then turning and running in a south-westerly direction by the north-westerly line of Chapman Street to the southerly corner of a lot of land now or late of one Murdock; thence by a line extending from said corner to the easterly corner of a piece of land now or late of one Foss, on Austin Street; thence south-westerly by the northerly line of Austin Street to the point of beginning, and all the flats appurtenant to such lands as may be so purchased or taken; and also so much land as lies between a straight line drawn from a point on Austin Street, on the line of the said Foss estate, not less than eighty-two feet from the south-easterly corner of the new wing of the State Prison; and thence running in a south-westerly direction to such a point on the line of the prison grounds on Austin Street as shall carry the line at a distance not less than twenty-eight feet from the said corner of the new wing.

Rights of way
to cease.

SECT. 2. Any public or private way or ways, or parts of ways, which may now in any manner exist upon or over any part or parts of the land or lands which, by virtue of this act shall be so purchased or taken, shall thereupon, from thenceforth, without any further act or proceeding whatsoever, be discontinued, and all rights of any individual or individuals, or of the public, or of any body politic or corporate whatsoever, to any right of way or other easement whatsoever, in, upon, or over said land or lands which shall be so purchased or taken, shall thereupon cease and be determined.

Damages, how
settled.

SECT. 3. The board of inspectors, for the time being, of the State Prison, are hereby authorized, under the direction of the governor and council, to agree with the owner or owners of any land or lands which may be so purchased or taken, on the sum or sums which shall be paid for the same. And the said board are also hereby authorized, under the like direction, to settle with all persons, not owners of said land, but entitled to any easement or privilege thereon, the sum or sums to be paid them as compensation for damages sustained by reason of the taking from them the enjoyment of such easement or privilege.

Certificate re-
corded in case
land is taken.

SECT. 4. In case the governor and council shall not procure a title to any part or parts of the said land or flats, as is herein provided, then and in such case they are hereby empowered to take the same, and upon such taking a cer-

tificate thereof, under the seal of the Commonwealth, signed by his excellency, and certified by the secretary of the Commonwealth, to be done by and with the advice and consent of the council, and recorded in the registry of deeds for the county of Middlesex, shall, *ipso facto*, vest the fee simple of the premises so taken, in the Commonwealth.

SECT. 5. If there shall not, within three months from the date of such taking, be a settlement made, as herein provided, with the owner or owners of any land or lands which may be taken for the use of the Commonwealth by virtue of this act, or with any person or persons having rights therein, who may be aggrieved by such taking, then, in such case, such owner or owners, or other person aggrieved by such taking, may, within fifteen months after such taking, apply, by petition, to the court of common pleas for the county of Middlesex to have such damages assessed by a jury; and notice of such petition shall be served on the secretary of the Commonwealth in such manner as the court shall direct, not less than sixty days before the time when such notice shall be returnable; and the jury that may be impanelled to ascertain and assess said damages, shall be under oath truly and justly to ascertain and assess the same, and shall, under the direction of the sheriff of said county of Middlesex, go on the premises and view the same, and return their verdict into the said court.

Aggrieved persons may apply for jury.

Notice served on secretary.

SECT. 6. His excellency the governor, with the advice and consent of the council, is hereby authorized to draw his warrant on the treasury for such sums as may be necessary to pay the value of said lands purchased or taken as aforesaid, and of any rights of way, or other easements therein, as the same may be mutually agreed on by the parties, or determined by a jury, as herein-before prescribed.

Governor to draw warrant.

SECT. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

An Act to extend the time for Locating the Barre and North Brookfield Railroad. *Chap. 382*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The time for filing the location of the Barre and North Brookfield Railroad, is hereby extended six months beyond the time limited in their act of incorporation.

Time extended

New subscrip-
tion for stock
opened.

SECT. 2. When this act shall have been accepted by said corporation, a new subscription for the capital stock thereof, shall be opened, and the persons holding the stock of said corporation heretofore subscribed for, shall not be liable for any assessments on the shares of said stock heretofore subscribed for, for any expenses hereafter incurred by said corporation in any manner. [*Approved by the Governor, April 28, 1854.*]

Chap. 383

An Act to incorporate the Appleton House Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. John S. Tyler, Francis Brinley, Asa Swallow, their associates and successors, are hereby made a corporation, by the name of the Appleton House Company, for the purpose of erecting a public house in the city of Boston, and maintaining such public house, and the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel or boarding-house keeping, or be in any way interested in said business.
- Purpose.
- Duties, liabilities, &c.
- Proviso.
- Hold real and personal estate SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount, the sum of eight hundred thousand dollars; but no shares in the capital stock thereof, shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.
- No shares to be issued under par.
- SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 384 An Act to incorporate the Warren Five Cents Savings Bank, in Danvers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. George Osborne, Henry Poor, Francis Baker, John B. Peabody, Francis Dane, Benjamin Wheeler, Lewis Allen, Amos Merrill, E. W. Upton, Kendall Osborne, their associates and successors, are hereby made a corporation, by the name of the Warren Five Cents Savings Bank, to be established in the south parish, in the town of Danvers;

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. Duties, liabilities, &c.

SECT. 2. Said corporation shall receive on deposit, sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees may pay to minors.
Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

An Act to incorporate the Kinsley Iron and Machine Company. Chap. 385

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Lyman Kinsley, Oakes Ames, H. B. Wetherell, their associates and successors, are hereby made a corporation, by the name of the Kinsley Iron and Machine Company, for the purpose of manufacturing iron and machinery, in the town of Canton, in the county of Norfolk; with all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Purpose.
Powers, duties, &c.

SECT. 2. The said corporation may hold, for the purpose aforesaid, real and personal estate, not exceeding in value five hundred thousand dollars; but the amount of real estate so held, shall not exceed in value, two hundred and fifty thousand dollars, and the whole capital stock thereof, shall not exceed five hundred thousand dollars. Real estate, \$250,000; capital, \$500,000.

SECT. 3. No shares in the capital stock of said company shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 386

An Act to incorporate the Junction Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. Charles White, James Estabrook, Timothy S. Stone, their associates and successors, are hereby made a corporation, by the name of the Junction Hotel Company,
- Purpose. for the purpose of erecting a hotel in the city of Worcester, and maintaining the same, and the buildings and appurtenances connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Powers, duties, &c. SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, for the purposes aforesaid, shall not exceed fifty thousand dollars:
- Hold real and personal estate *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which
- Proviso. shall be first issued: and *provided, also*, that said corporation shall not be interested in the business of hotel-keeping.
- Provided, also. [Approved by the Governor, April 28, 1854.]

Chap. 387

An Act to incorporate the Chelsea Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Corporators. SECT. 1. Hosea Ilsley, Francis B. Fay, Henry Slade, their associates and successors, are hereby made a corporation, by the name of the Chelsea Savings Bank, to be established in the town of Chelsea; with all the powers and
- Powers, duties, &c. privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to institutions for savings. [Approved by the Governor, April 28, 1854.]

Chap. 388

An Act relating to the Second Hospital for the Insane.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- Appropriation for outstanding claims. SECT. 1. The sum of four thousand dollars is hereby appropriated for the purpose of liquidating all outstanding

claims, growing out of the erection of the second hospital for the insane, to be expended for that purpose under the direction of the commissioners appointed by the act authorizing the erection of said hospital, passed on the twenty-fourth day of May, in the year eighteen hundred and fifty-one; and the governor is authorized to draw his warrants therefor.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

An Act concerning Witness Fees.

Chap. 389

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever it shall appear, in the trial of any criminal cause, before any judge or magistrate, that any witness has induced or procured the defendant to commit the offence wherewith he is charged, with the intent to appear as a witness against him, said judge or magistrate may, in his discretion, refuse to allow such witness any fees for travel or attendance, or both. [*Approved by the Governor, April 28, 1854.*]

Fees withheld
in certain cases

An Act relating to Hope Cemetery in the City of Worcester.

Chap. 390

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of Worcester is hereby authorized to elect, by joint ballot, in convention, a board of five commissioners, one member thereof to be elected each and every year, in the month of January, to hold office for the term of five years, who shall have the sole care, superintendence and management of Hope Cemetery, established by said city council; but said board, or any member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another commissioner, in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be or

Commissioners
to be chosen.

Subject to re-
moval.

Vacancies,
how filled.

- Organization of board.** ganized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the transaction of business; and the
- Terms of office.** term, for which the several members of the first board of commissioners to be chosen, shall hold their office, shall be determined as follows: The commissioner first chosen, shall hold his office for five years; the commissioner next chosen, shall hold his office for four years; the commissioner next chosen, shall hold his office for three years; the commissioner next chosen, shall hold his office for two years; and the commissioner next chosen, shall hold his office for one year.
- Duties of board** SECT. 2. The said board of commissioners shall lay out said cemetery, or such part thereof as is not already laid out, into such lots or subdivisions for burial places, as they shall think proper, and the said commissioners shall set apart a proper portion of said cemetery for a public burial place for the use of the inhabitants of said city, free of charge therefor, and it shall be the duty of said commissioners, from time to time, as appropriations shall be made by the city council therefor, to cause all necessary paths and avenues to be constructed therein, and to cause said cemetery to be planted and embellished with trees, shrubs, flowers, and other rural ornaments, as they shall think proper.
- By-laws.** And said board may make all necessary by-laws and regulations, in the execution of their trust, not inconsistent with this act, and the laws of the Commonwealth, as they shall deem expedient.
- Deeds of conveyance, &c.** SECT. 3. Said board of commissioners shall have authority to sell, to any person or persons, the sole and exclusive right of burial and of erecting tombs, cenotaphs, and other monuments, in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they shall, by their rules and regulations, prescribe; but all deeds and conveyances of such lots or rights of burial, shall be made in the name of the city, and shall be executed in behalf of the city by the treasurer thereof, for the time being, when requested so to do by said commissioners; and the proceeds of such sales shall, in all cases, be paid into the city treasury.
- Commissioners to report annually.** SECT. 4. Said board of commissioners shall, annually, in the month of January, and whenever required by the city council, make and render a report of all their acts, doings, and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditure for the same.

SECT. 5. The mayor and aldermen of said city, shall notify and warn the legal voters of said city, to meet in their respective wards, on such day as they shall direct, not exceeding sixty days from the passage of this act, for the purpose of giving in their written votes, upon the question whether they will accept the same; and if a majority of the votes given upon said question, shall be in the negative, then this act shall be null and void.

Act void, unless accepted in sixty days.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

An Act to incorporate the Western Massachusetts Telegraph Company. *Chap. 391*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Wellington H. Tyler, David Campbell, William B. Cooley, their associates and successors, are hereby made a corporation, by the name of the Western Massachusetts Telegraph Company; for the purpose of constructing, maintaining and using lines of telegraph within this Commonwealth, from Pittsfield to Sheffield, and connecting the same with any other lines of telegraph, which may have been or may hereafter be constructed, and for extending the same in the direction of Albany and Hudson, to the line of the State of New York, and in the direction of New Haven, Bridgeport and Danbury, to the line of the State of Connecticut, and also to Springfield and North Adams in this Commonwealth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in an act approved the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "An Act concerning Electric Telegraph Companies and Electric Telegraphing."

Corporators.

Powers, privileges, &c.

SECT. 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital stock, \$75,000.

No shares to be issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 392 An Act to incorporate the Model Lodging House Association.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** J. Ingersoll Bowditch, J. Amory Davis, John L. Emmons, their associates and successors, are hereby made a corporation, by the name of the Model Lodging House Association, for the purpose of providing lodgings in the city of Boston, for industrious persons, at moderate rates ; with

Purpose. all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Privileges, liabilities, &c.

SECT. 2. The said corporation shall have power to hold real and personal estate, to an amount not exceeding one hundred thousand dollars. [*Approved by the Governor, April 28, 1854.*]

§100,000 real and personal estate.

Chap. 393 An Act in relation to the Visits of Clergymen to Prisoners under Confinement.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Visits from the clergy not allowed. So much of sections twenty and forty of the one hundred and forty-third chapter of the Revised Statutes, as relate to the visits of clergymen to prisoners, is hereby repealed. [*Approved by the Governor, April 28, 1854.*]

Chap. 394 An Act to change the Name of the First Baptist Society in Lancaster.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The corporate name of the First Baptist Society in Lancaster, is hereby changed, and said society shall hereafter be called and known by the name of the First Baptist Society in Clinton. [*Approved by the Governor, April 28, 1854.*]

An Act further to extend the Time for the Construction of the Eastern Railroad. *Chap. 395*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time allowed to the Eastern Railroad Company, for constructing an extension of their railroad, under the provisions of the act of eighteen hundred and fifty-two, entitled An Act concerning the Grand Junction Railroad and Depot Company, and the Eastern Railroad Company, chapter 306, is hereby extended four months beyond the period now fixed by law, for the construction thereof. [*Approved by the Governor, April 28, 1854.*]

An Act to apportion and assess a State Tax of Three Hundred Thousand Dollars. *Chap. 396*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city, town, district, or other place, herein-after named, within this Commonwealth, shall be assessed and pay the several sums with which they stand respectively charged in the following schedule :—

SCHEDULE.

SUFFOLK COUNTY.

Boston, . . .	Ninety-eight thousand six hundred and ninety-one dollars, . . .	\$98,691 00
Chelsea, . . .	One thousand seven hundred and sixty-four dollars, . . .	1,764 00
North Chelsea, . .	Three hundred and eighty-seven dollars, .	387 00
		<hr/> \$100,842 00

ESSEX COUNTY.

Amesbury, . . .	Five hundred and seventy-three dollars, .	\$573 00
Andover, . . .	One thousand six hundred and eleven dollars, . . .	1,611 00
Beverly, . . .	One thousand one hundred and fifty-five dollars, . . .	1,155 00
Boxford, . . .	Two hundred and seventy-nine dollars, .	279 00

Bradford, . .	Two hundred and four dollars, . . .	\$204 00
Danvers, . .	One thousand seven hundred and forty-nine dollars, . . .	1,749 00
Essex, . .	Three hundred and thirty-six dollars, .	336 00
Georgetown, .	Three hundred and ninety-three dollars, .	393 00
Gloucester, .	One thousand three hundred and twenty- six dollars, . . .	1,326 00
Groveland, .	Two hundred and twenty-five dollars, .	225 00
Hamilton, . .	Two hundred and thirty-one dollars, . .	231 00
Haverhill, . .	One thousand two hundred and fifteen dol- lars, . . .	1,215 00
Ipswich, . .	Five hundred and seventy-three dollars, .	573 00
Lawrence, . .	Two thousand nine hundred and seventy- three dollars, . . .	2,973 00
Lynn, . .	Two thousand three hundred and nineteen dollars, . . .	2,319 00
Lynnfield, . .	One hundred and eighty-six dollars, . .	186 00
Manchester, .	Two hundred and eighty-two dollars, . .	282 00
Marblehead, .	One thousand one hundred and four dollars,	1,104 00
Methuen, . .	Five hundred and sixty-one dollars, . .	561 00
Middleton, . .	One hundred and sixty-five dollars, . .	165 00
Newbury, . .	Three hundred and forty-five dollars, . .	345 00
Newburyport, .	Two thousand seven hundred and eighty- seven dollars, . . .	2,787 00
Rockport, . .	Four hundred and fourteen dollars, . . .	414 00
Rowley, . .	Two hundred and forty-three dollars, . .	243 00
Salem, . .	Six thousand six hundred and sixty-six dollars, . . .	6,666 00
Salisbury, . .	Five hundred and fifty-five dollars, . .	555 00
Saugus, . .	Two hundred and seventy-three dollars, .	273 00
Topsfield, . .	Two hundred and fifty-two dollars, . . .	252 00
Wenham, . .	Two hundred and seven dollars, . . .	207 00
West Newbury, .	Three hundred and eighteen dollars, . .	318 00
		<hr/> \$29,520 00

MIDDLESEX COUNTY.

Acton, . .	Three hundred dollars, . . .	\$300 00
Ashby, . .	Three hundred and six dollars, . . .	306 00

Ashland, . .	Two hundred and thirty-four dollars, .	\$234 00
Bedford, . .	One hundred and ninety-two dollars, .	192 00
Billerica, . .	Four hundred and forty-one dollars, . .	441 00
Boxborough, .	One hundred and twenty-three dollars, .	123 00
Brighton, . .	Eight hundred and sixteen dollars, . .	816 00
Burlington, .	One hundred and fifty dollars, . . .	150 00
Cambridge, .	Five thousand one hundred and ninety dollars,	5,190 00
Carlisle, . .	One hundred and seventy-one dollars, .	171 00
Charlestown, .	Four thousand three hundred and ninety- two dollars,	4,392 00
Chelmsford, .	Five hundred and four dollars,	504 00
Concord, . .	Six hundred and forty-two dollars, . .	642 00
Dracut, . . .	Three hundred and seventy-five dollars, .	375 00
Dunstable, . .	One hundred and eighty-three dollars, .	183 00
Framingham, .	Nine hundred and eighty-four dollars, .	984 00
Groton, . . .	Seven hundred and twenty dollars, . .	720 00
Holliston, . .	Four hundred and sixty-two dollars, .	462 00
Hopkinton, .	Five hundred and thirteen dollars, . .	513 00
Lexington, . .	Five hundred and ninety-four dollars, .	594 00
Lincoln, . . .	Two hundred and forty dollars,	240 00
Littleton, . .	Two hundred and forty-six dollars, . .	246 00
Lowell, . . .	Eight thousand six hundred and four dol- lars,	8,604 00
Malden, . . .	Nine hundred dollars,	900 00
Marlborough, .	Six hundred and forty-two dollars, . .	642 00
Medford, . . .	One thousand two hundred and fifteen dollars,	1,215 00
Melrose, . . .	Two hundred and seventy dollars, . . .	270 00
Natick, . . .	Five hundred and thirty-one dollars, . .	531 00
Newton, . . .	One thousand five hundred and eighty- seven dollars,	1,587 00
Pepperell, . .	Three hundred and ninety-nine dollars, .	399 00
Reading, . . .	Six hundred and six dollars,	606 00
Sherborn, . . .	Two hundred and seventy dollars, . . .	270 00
Shirley, . . .	Two hundred and ninety-seven dollars, .	297 00

Somerville, . .	One thousand and thirty-two dollars, . .	\$1,032 00
South Reading, .	Four hundred and twenty-six dollars, . .	426 00
Stoneham, . .	Three hundred and six dollars,	306 00
Stow,	Three hundred and twenty-seven dollars, .	327 00
Sudbury, . .	Four hundred and sixty-eight dollars, . .	468 00
Tewksbury, . .	Three hundred and eighteen dollars, . . .	318 00
Townsend, . .	Four hundred and fifty dollars,	450 00
Tyngsborough, .	Two hundred and forty-six dollars, . . .	246 00
Waltham, . .	One thousand three hundred and ninety-two dollars,	1,392 00
Watertown, . .	One thousand one hundred and forty-six dollars,	1,146 00
Wayland, . .	Two hundred and fifty-eight dollars, . .	258 00
West Cambridge, .	Eight hundred and twenty-five dollars, . .	825 00
Westford, . .	Four hundred and fourteen dollars, . . .	414 00
Weston, . . .	Three hundred and sixty dollars,	360 00
Wilmington, . .	Two hundred and thirteen dollars, . . .	213 00
Winchester, . .	Three hundred and forty-two dollars, . .	342 00
Woburn, . . .	One thousand and five dollars,	1,005 00
		<hr/> \$42,627 00

WORCESTER COUNTY.

Ashburnham, . .	Three hundred and seventy-five dollars, . .	\$375 00
Athol,	Three hundred and sixty-six dollars, . .	366 00
Auburn, . . .	Two hundred and sixteen dollars,	216 00
Barre,	Seven hundred and forty-one dollars, . .	741 00
Berlin,	One hundred and fifty-three dollars, . .	153 00
Blackstone, . .	Nine hundred and thirty-six dollars, . .	936 00
Bolton,	Two hundred and seventy-nine dollars, . .	279 00
Boylston, . . .	Two hundred and thirty-four dollars, . .	234 00
Brookfield, . .	Three hundred and forty-eight dollars, . .	348 00
Charlton, . . .	Four hundred and ninety-eight dollars, . .	498 00
Clinton, . . .	Four hundred and ninety-two dollars, . .	492 00

Dana, . . .	One hundred and twenty-six dollars, .	\$126 00
Douglas, . . .	Three hundred and seventy-eight dollars, .	378 00
Dudley, . . .	Three hundred and forty-two dollars, .	342 00
Fitchburg, . . .	One thousand and ninety-five dollars, .	1,095 00
Gardner, . . .	Three hundred and nine dollars, . . .	309 00
Grafton, . . .	Seven hundred and forty-seven dollars, .	747 00
Hardwick, . . .	Four hundred and twenty-six dollars, .	426 00
Harvard, . . .	Three hundred and ninety-six dollars, .	396 00
Holden, . . .	Four hundred and seventeen dollars, .	417 00
Hubbardston, . . .	Three hundred and fifty-four dollars, .	354 00
Lancaster, . . .	Three hundred and fifty-four dollars, .	354 00
Leicester, . . .	Six hundred and twenty-seven dollars, .	627 00
Leominster, . . .	Six hundred and seventy-eight dollars, .	678 00
Lunenburg, . . .	Three hundred and thirty dollars, . . .	330 00
Mendon, . . .	Three hundred and fifty-one dollars, .	351 00
Milford, . . .	Seven hundred and twenty-nine dollars, .	729 00
Millbury, . . .	Five hundred and forty-nine dollars, .	549 00
New Braintree, . . .	Two hundred and seventy-three dollars, .	273 00
North Brookfield, . . .	Three hundred and sixty-nine dollars, .	369 00
Northborough, . . .	Three hundred and thirty-six dollars, .	336 00
Northbridge, . . .	Three hundred and sixty-six dollars, .	366 00
Oakham, . . .	Two hundred and twenty-five dollars, .	225 00
Oxford, . . .	Five hundred and nineteen dollars, . . .	519 00
Paxton, . . .	One hundred and sixty-five dollars, . . .	165 00
Petersham, . . .	Four hundred and eleven dollars, . . .	411 00
Phillipston, . . .	One hundred and ninety-eight dollars, .	198 00
Princeton, . . .	Three hundred and twenty-four dollars, .	324 00
Royalston, . . .	Three hundred and ninety-six dollars, .	396 00
Rutland, . . .	Two hundred and seventy-six dollars, .	276 00
Shrewsbury, . . .	Four hundred and twenty dollars, . . .	420 00
Southborough, . . .	Three hundred and twenty-one dollars, .	321 00

Southbridge, .	Six hundred dollars,	\$600 00
Spencer, . .	Four hundred and fifty-six dollars, . .	456 00
Sterling, . .	Four hundred and twenty dollars, . .	420 00
Sturbridge, .	Four hundred and fifty dollars, . . .	450 00
Sutton, . . .	Five hundred and twenty-eight dollars, .	528 00
Templeton, .	Four hundred and seventy-four dollars, .	474 00
Upton, . . .	Three hundred and forty-five dollars, .	345 00
Uxbridge, . .	Five hundred and ninety-four dollars, .	594 00
Warren, . . .	Three hundred and sixty-six dollars, .	366 00
Webster, . .	Four hundred and thirty-eight dollars, .	438 00
West Boylston, .	Two hundred and ninety-seven dollars, .	297 00
West Brookfield,	Two hundred and eighty-five dollars, .	285 00
Westborough, .	Four hundred and twenty dollars, . . .	420 00
Westminster, .	Four hundred and two dollars,	402 00
Winchendon, .	Five hundred and seven dollars,	507 00
Worcester, . .	Five thousand six hundred and four dollars,	5,604 00
		<hr/> \$29,631 00

HAMPSHIRE COUNTY.

Amherst, . . .	Six hundred and twenty-one dollars, .	\$621 00
Belchertown, .	Four hundred and sixty-five dollars, .	465 00
Chesterfield, .	Two hundred and seven dollars,	207 00
Cummington, .	Two hundred and ten dollars,	210 00
Easthampton, .	Two hundred and twenty-eight dollars, .	228 00
Enfield, . . .	Two hundred and thirty-seven dollars, .	237 00
Goshen, . . .	Ninety-nine dollars,	99 00
Granby, . . .	Two hundred and thirteen dollars, . . .	213 00
Greenwich, . .	One hundred and thirty-two dollars, . .	132 00
Hadley, . . .	Four hundred and seventy-four dollars, .	474 00
Hatfield, . . .	Three hundred and fifty-seven dollars, .	357 00

Middlefield, . .	One hundred and sixty-two dollars, . .	\$162 00
Northampton, . .	One thousand three hundred and fourteen dollars,	1,314 00
Norwich,	One hundred and thirty-five dollars, . .	135 00
Pelham,	One hundred and twenty-nine dollars, . .	129 00
Plainfield,	One hundred and fifty-six dollars,	156 00
Prescott,	One hundred and thirty-five dollars, . .	135 00
South Hadley, . .	Three hundred and seventy-eight dollars, .	378 00
Southampton, . .	Two hundred and thirteen dollars,	213 00
Ware,	Six hundred and twenty-four dollars, . .	624 00
Westhampton, . .	One hundred and twenty-three dollars, . .	123 00
Williamsburg, . .	Three hundred and forty-eight dollars, . .	348 00
Worthington, . .	Two hundred and thirty-seven dollars, . .	237 00
		<hr/> \$7,197 00

HAMPDEN COUNTY.

Blandford,	Two hundred and eighty-eight dollars, . .	\$288 00
Brimfield,	Three hundred and fifty-four dollars, . .	354 00
Chester,	Two hundred and forty-six dollars,	246 00
Chicopee,	One thousand eight hundred and three dollars,	1,803 00
Granville,	Two hundred and nineteen dollars,	219 00
Holland,	Seventy-eight dollars,	78 00
Holyoke,	Nine hundred and sixty-six dollars,	966 00
Longmeadow, . .	Four hundred and twenty-three dollars, . .	423 00
Ludlow,	Two hundred and forty-six dollars,	246 00
Monson,	Four hundred and ninety-five dollars, . .	495 00
Montgomery, . .	Eighty-seven dollars,	87 00
Palmer,	Six hundred and sixty-six dollars,	666 00
Russell,	Ninety-six dollars,	96 00
Southwick,	Two hundred and seventy-nine dollars, . .	279 00
Springfield, . .	Three thousand three hundred and twenty-seven dollars,	3,327 00

Tolland, . .	One hundred and eleven dollars, . .	\$111 00
Wales, . .	One hundred twenty dollars, . .	120 00
West Springfield,	Eight hundred and forty dollars, . .	840 00
Westfield, . .	Eight hundred and forty-nine dollars, .	849 00
Wilbraham, . .	Four hundred and eighty dollars, . .	480 00
		<hr/> \$11,973 00

FRANKLIN COUNTY.

Ashfield, . .	Two hundred and eighty-eight dollars, .	\$288 00
Bernardston, .	Two hundred and one dollars, . .	201 00
Buckland, . .	One hundred and forty-one dollars, . .	141 00
Charlemont, .	Two hundred and four dollars, . .	204 00
Coleraine, . .	Three hundred and forty-eight dollars, .	348 00
Conway, . .	Three hundred and sixty-nine dollars, .	369 00
Deerfield, . .	Five hundred and forty-three dollars, .	543 00
Erving, . .	Ninety dollars,	90 00
Gill, . .	One hundred and fifty-three dollars, .	153 00
Greenfield, . .	Five hundred and seventy dollars, . .	570 00
Hawley, . .	One hundred and fifty-three dollars, .	153 00
Heath, . .	One hundred and forty-four dollars, .	144 00
Leverett, . .	One hundred and fifty-three dollars, .	153 00
Leyden, . .	One hundred and eleven dollars, . .	111 00
Monroe, . .	Thirty-six dollars,	36 00
Montague, . .	Two hundred and fifty-two dollars, . .	252 00
New Salem, .	Two hundred and twenty-eight dollars, .	228 00
Northfield, . .	Three hundred and ninety dollars, . .	390 00
Orange, . .	Three hundred and sixty-nine dollars, .	369 00
Rowe, . .	One hundred and twenty dollars, . .	120 00
Shelburne, . .	Two hundred and fifty-two dollars, .	252 00
Shutesbury, .	One hundred and forty-one dollars, .	141 00

Sunderland, . .	One hundred and seventy-one dollars, . .	\$171 00
Warwick, . .	Two hundred and forty dollars, . .	240 00
Wendell, . .	Two hundred and ten dollars, . .	210 00
Whately, . .	Two hundred and forty dollars, . .	240 00
		<hr/> \$6,117 00

BERKSHIRE COUNTY.

Adams, . .	Nine hundred and sixty-nine dollars, . .	\$969 00
Alford, . .	One hundred and seventeen dollars, . .	117 00
Becket, . .	One hundred and eighty-nine dollars, . .	189 00
Boston Corner, .	Nine dollars,	9 00
Cheshire, . .	Two hundred and eighty-two dollars, . .	282 00
Clarksburg, . .	Fifty-four dollars,	54 00
Dalton, . .	Two hundred and thirty-seven dollars, . .	237 00
Egremont, . .	Two hundred and forty-three dollars, . .	243 00
Florida, . .	Eighty-four dollars,	84 00
Great Barrington,	Six hundred and ninety dollars, . .	690 00
Hancock, . .	One hundred and eighty-six dollars, . .	186 00
Hinsdale, . .	Two hundred and twenty-two dollars, . .	222 00
Lanesborough, .	Two hundred and seventy-three dollars, . .	273 00
Lee,	Five hundred and forty-six dollars, . .	546 00
Lenox, . .	Two hundred and eighty-five dollars, . .	285 00
Monterey, . .	One hundred and twenty-six dollars, . .	126 00
Mt. Washington,	Fifty-four dollars,	54 00
New Ashford, .	Fifty-one dollars,	51 00
New Marlborough,	Two hundred and ninety-one dollars, . .	291 00
Otis,	One hundred and eighty-nine dollars, . .	189 00
Peru,	One hundred and eight dollars,	108 00
Pittsfield, . .	One thousand three hundred and ninety- two dollars,	1,392 00
Richmond, . .	One hundred and ninety-eight dollars, . .	198 00

Sandisfield, . .	Two hundred and sixty-seven dollars, . .	\$267 00
Savoy, . .	One hundred and fourteen dollars, . .	114 00
Sheffield, . .	Five hundred and eighty-five dollars, . .	585 00
Stockbridge, . .	Three hundred and eighty-seven dollars, . .	387 00
Tyringham, . .	One hundred and thirty-five dollars, . .	135 00
Washington, . .	One hundred and thirty-five dollars, . .	135 00
West Stockbridge, . .	Three hundred and nine dollars, . .	309 00
Williamstown, . .	Five hundred and sixteen dollars, . .	516 00
Windsor, . .	One hundred and sixty-eight dollars, . .	168 00
		\$9,411 00

NORFOLK COUNTY.

Bellingham, . .	Two hundred and seventy-six dollars, . .	\$276 00
Braintree, . .	Five hundred and seventy-three dollars, . .	573 00
Brookline, . .	Two thousand four hundred and ninety-three dollars, . .	2,493 00
Canton, . .	Six hundred and ninety-nine dollars, . .	699 00
Cohasset, . .	Three hundred and ninety-three dollars, . .	393 00
Dedham, . .	One thousand five hundred and three dollars, . .	1,503 00
Dorchester, . .	Three thousand two hundred and eighty-five dollars, . .	3,285 00
Dover, . .	One hundred and fifty-nine dollars, . .	159 00
Foxborough, . .	Three hundred and fifty-four dollars, . .	354 00
Franklin, . .	Three hundred and forty-eight dollars, . .	348 00
Medfield, . .	Two hundred and forty dollars, . .	240 00
Medway, . .	Four hundred and ninety-five dollars, . .	495 00
Milton, . .	Eight hundred and forty-nine dollars, . .	849 00
Needham, . .	Four hundred and thirty-five dollars, . .	435 00
Quincy, . .	One thousand one hundred and twenty-two dollars, . .	1,122 00
Randolph, . .	Nine hundred and thirty-six dollars, . .	936 00
Roxbury, . .	Six thousand six hundred and twelve dollars, . .	6,612 00
Sharon, . .	Two hundred and ninety-one dollars, . .	291 00

Stoughton, . . .	Six hundred and twenty-four dollars, . . .	\$624 00
Walpole, . . .	Four hundred and twenty-three dollars, . . .	423 00
Weymouth, . . .	Nine hundred and thirty-nine dollars, . . .	939 00
Wrentham, . . .	Six hundred dollars,	600 00
		<hr/> \$23,649 00

BRISTOL COUNTY.

Attleborough, . . .	Six hundred and twelve dollars, . . .	\$612 00
Berkley, . . .	One hundred and fifty dollars,	150 00
Dartmouth, . . .	One thousand one hundred and fifty-five dollars,	1,155 00
Dighton, . . .	Two hundred and eighty-eight dollars, . . .	288 00
Easton, . . .	Four hundred and two dollars,	402 00
Fairhaven, . . .	One thousand five hundred and eighty-four dollars,	1,584 00
Fall River, . . .	Three thousand one hundred and seventeen dollars,	3,117 00
Freestown, . . .	Three hundred and three dollars,	303 00
Mansfield, . . .	Two hundred and thirty-four dollars, . . .	234 00
New Bedford, . . .	Six thousand nine hundred and forty-five dollars,	6,945 00
Norton, . . .	Three hundred and eighty-four dollars, . . .	384 00
Pawtucket, . . .	Five hundred and thirty-seven dollars, . . .	537 00
Raynham, . . .	Two hundred and seventy-six dollars, . . .	276 00
Rehoboth, . . .	Three hundred and eighty-one dollars, . . .	381 00
Seekonk, . . .	Three hundred and eighty-one dollars, . . .	381 00
Somerset, . . .	Two hundred and forty-six dollars,	246 00
Swansey, . . .	Two hundred and eighty-five dollars, . . .	285 00
Taunton, . . .	Two thousand and thirteen dollars,	2,013 00
Westport, . . .	Seven hundred and fifty dollars,	750 00
		<hr/> \$20,043 00

PLYMOUTH COUNTY.

Abington, . . .	Eight hundred and sixty-seven dollars, . . .	\$867 00
Bridgewater, . . .	Six hundred and forty-five dollars,	645 00

Carver, . .	One hundred and ninety-five dollars, .	\$195 00
Duxbury, . .	Five hundred and seventy-nine dollars, .	579 00
East Bridgewater, .	Four hundred and fifty-six dollars, . .	456 00
Halifax, . .	One hundred and forty-four dollars, . .	144 00
Hanover, . .	Three hundred dollars,	300 00
Hanson, . .	Two hundred and ten dollars,	210 00
Hingham, . .	Eight hundred and sixty-one dollars, .	861 00
Hull, . . .	Sixty dollars,	60 00
Kingston, . .	Four hundred and forty-one dollars, . .	441 00
Marshfield, . .	Three hundred and fifty-one dollars, . .	351 00
Middleborough, .	Nine hundred and three dollars, . . .	903 00
N. Bridgewater, .	Six hundred and twenty-one dollars, .	621 00
Pembroke, . .	Two hundred and forty-six dollars, . .	246 00
Plymouth, . .	One thousand three hundred and eleven dollars,	1,311 00
Plympton, . .	One hundred and eighty-three dollars, .	183 00
Rochester, . .	Six hundred and sixty-three dollars, . .	663 00
Scituate, . .	Three hundred and seventy-five dollars, .	375 00
S. Scituate, . .	Three hundred and ninety-six dollars, .	396 00
Wareham, . .	Five hundred and twenty-five dollars, .	525 00
W. Bridgewater, .	Two hundred and seventy-nine dollars, .	279 00
		<hr/> \$10,611 00

BARNSTABLE COUNTY.

Barnstable, . .	Eight hundred and forty-six dollars, . .	\$846 00
Brewster, . .	One hundred and ninety-eight dollars, .	198 00
Chatham, . .	Two hundred and ninety-seven dollars, .	297 00
Dennis, . .	Four hundred and sixty-two dollars, . .	462 00
Eastham, . .	One hundred and fourteen dollars, . . .	114 00
Falmouth, . .	Five hundred and thirteen dollars, . . .	513 00
Harwich, . .	Three hundred and thirty-nine dollars, .	339 00

Orleans, . . .	Two hundred and four dollars, . . .	\$204 00
Provincetown, . .	Five hundred and fifty-eight dollars, . .	558 00
Sandwich, . . .	Seven hundred and thirty-eight dollars, .	738 00
Truro, . . .	Two hundred and thirty-seven dollars, .	237 00
Wellfleet, . . .	Two hundred and thirteen dollars, . . .	213 00
Yarmouth, . . .	Four hundred and fourteen dollars, . . .	414 00
		\$5,133 00

DUKES COUNTY.

Chilmark, . . .	Two hundred and thirty-seven dollars, .	\$237 00
Edgartown, . . .	Three hundred and sixty-nine dollars, .	369 00
Tisbury, . . .	Three hundred and fifteen dollars, . . .	315 00
		\$921 00

NANTUCKET COUNTY.

Nantucket, . . .	Two thousand three hundred and twenty-five dollars,	\$2,325 00
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RECAPITULATION.

Suffolk County, .	One hundred thousand eight hundred and forty-two dollars,	\$100,842 00
Essex County, .	Twenty-nine thousand five hundred and twenty dollars,	29,520 00
Middlesex County, .	Forty-two thousand six hundred and twenty-seven dollars,	42,627 00
Worcester County, .	Twenty-nine thousand six hundred and thirty-one dollars,	29,631 00
Hampshire County, .	Seven thousand one hundred and ninety-seven dollars,	7,197 00
Hampden County, .	Eleven thousand nine hundred and seventy-three dollars,	11,973 00
Franklin County, .	Six thousand one hundred and seventeen dollars,	6,117 00
Berkshire County, .	Nine thousand four hundred and eleven dollars,	9,411 00
Norfolk County, .	Twenty-three thousand six hundred and forty-nine dollars,	23,649 00
Bristol County, .	Twenty thousand and forty-three dollars,	20,043 00
Plymouth County, .	Ten thousand six hundred and eleven dollars,	10,611 00

Barnstable County,	Five thousand one hundred and thirty-three dollars,	\$5,133 00
Dukes County, . .	Nine hundred and twenty-one dollars,	921 00
Nantucket County,	Two thousand three hundred and twenty-five dollars,	2,325 00
		<hr/> \$300,000 00

Treasurer shall
issue warrant
to selectmen.

SECT. 2. The treasurer of this Commonwealth shall, forthwith, send his warrant, with a copy of this act, directed to the selectmen or assessors of each city, town, district, or other place, taxed as aforesaid, requiring them respectively to assess, in dollars and cents, the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of town and county taxes to be by them assessed in each city, town, and district, respectively.

When payable.

SECT. 3. The treasurer, in his said warrant, shall require the said selectmen or assessors, respectively, to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities, towns, or districts, to pay to the said treasurer of the Commonwealth, on or before the fifteenth day of December, one thousand eight hundred and fifty-four, the sums against said cities, towns, and districts, respectively, in this act contained; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, some time before the first day of October next.

Names of treasurers
to be returned, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 397 An Act to incorporate the Mariners' Mutual Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corp rators.

SECT. 1. John S. Tyler, Stephen Bartlett, Joseph S. Hastings, their associates and successors, are hereby made

Duration.

a corporation, for the term of twenty years, by the name of the Mariners' Mutual Insurance Company, to be established

Purpose.

in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, on the principle of mutual insurance, with the

powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent statutes of this Commonwealth relating to mutual insurance companies, so far as the same are consistent with this act, and applicable to the corporation hereby created.

Powers, liabilities, &c.

SECT. 2. Instead of the safety fund now required by law, said company shall have a capital stock of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, with authority to increase said capital stock to an amount not exceeding three hundred thousand dollars; and the holders of shares in said capital stock shall be members of said company so long as they hold any share of said stock respectively.

Capital stock, \$100,000.
May increase to \$300,000.

SECT. 3. Said company may invest a portion not exceeding one-quarter part of said capital stock, in real estate, necessary or convenient for the purposes of their incorporation, over and above such real estate as may be at any time held by them in mortgage, or taken to satisfy any debt due to them.

Portion of capital, how invested.

SECT. 4. No policy of insurance shall be issued by said company, until the sum of fifty thousand dollars of said capital stock, in cash, and the further sum of fifty thousand dollars of said capital stock, in promissory notes, bearing interest at the rate of six per centum per annum, and not convertible into premiums, shall have been actually paid in.

Policies, when to be issued.

SECT. 5. At the end of each year after the commencement of their business, said company may pay out of the net profits thereof, to the holders of said capital stock, an amount not exceeding seven per centum per annum, on the amount of said stock held by them respectively.

Dividends.

SECT. 6. After the payment of the said amount to the holders of said capital stock, the net profits of the business of said company shall be credited upon their books, to the said holders of said capital stock, and the persons insured by said company according to the by-laws of said company; and at the end of any year after the commencement of their business, the said company may convert the whole, or any part of said net profits then remaining in their hands, or credited as aforesaid, into additional stock, and may declare and distribute to the holders of their said capital stock existing before such additions, and said parties insured, a dividend of shares in such additional stock, until the whole capital stock of said company shall amount to the sum of three hundred thousand dollars; and thereafter, the net

Net profits, how disposed of.

Proviso.

profits of said company shall be equally divided between the holders of said capital stock and said parties insured, in cash or otherwise, as the directors may, from time to time, determine: *provided*, that no division of said profits shall ever be made, before the expiration of this act, which shall not leave wholly unimpaired, in amount and value, the capital stock established at the time such dividend shall be declared.

Risks limited.

SECT. 7. Said company shall never take, upon any one risk, an amount exceeding one-tenth of their capital stock, paid in or accumulated at the time, as aforesaid.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 398 An Act to increase the Capital Stock of the Boston Steam Tow-Boat Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Steam Tow-Boat Company are hereby authorized to increase their capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, not to be issued except on payment in cash, of the par value thereof. [*Approved by the Governor, April 28, 1854.*]

Chap. 399 An Act in addition to "An Act to incorporate the Boylston Medical School."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real and personal estate.

The Boylston Medical School, in the city of Boston, is hereby authorized to hold real and personal estate to the amount of one hundred thousand dollars, to be applied to the purposes of medical education. [*Approved by the Governor, April 28, 1854.*]

Chap. 400 An Act in further addition to the Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Sheriffs, &c., not liable in certain cases.

No sheriff, deputy-sheriff, constable or coroner, and no executor or administrator, and no assignee of any insolvent

debtor, lawfully appointed according to the acts of this Commonwealth for the relief of insolvent debtors, shall be liable to any penalty under any act or law of this Commonwealth, concerning the manufacture and sale of spirituous and intoxicating liquors: *provided*, his, her, or their doings and proceedings are lawfully done, after the passing of this act, pursuant to the lawful order, command, direction, judgment, or decree and warrant, of any court or other legal tribunal, having lawful jurisdiction in the premises, and *provided*, that nothing herein contained shall authorize the sale of any spirituous or intoxicating liquor for any other purposes than are authorized by the act to which this is in addition; or shall authorize any officer or executor, administrator or assignee, to sell any spirituous or intoxicating liquors otherwise than by public auction. [*Approved by the Governor, April 28, 1854.*]

An Act in relation to County Commissioners.

Chap. 401

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners in the several counties, are hereby empowered to alter the location and construction of railroad gates at crossings on the petition of any party, whenever, in their opinion, the better security of human life, or the convenience of the public travel, shall so require. Commissioners may alter location of gates.
 [*Approved by the Governor, April 28, 1854.*]

An Act to incorporate the Bunker Hill Library Association.

Chap. 402

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas W. Hooper, G. Washington Warren, Edward Pratt, their associates and successors, are hereby made a corporation, by the name of the Bunker Hill Library Association, to be established in the city of Charlestown; for the purpose of establishing and maintaining a library and reading-room, advancing the useful arts and sciences, and promoting public instruction by lectures or otherwise, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Purpose. Powers, privileges, &c.

Real estate,
\$25,000;
Personal prop-
erty, \$100,000.

SECT. 2. Said corporation may hold real estate, to an amount not exceeding twenty-five thousand dollars in value, and personal property not exceeding in amount or value, one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 403

An Act to incorporate the American Glass Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Patrick H. Slane, William A. Hayes, Reuben H. Ober, their associates and successors, are hereby made a corporation, by the name of the American Glass Company, for the purpose of manufacturing glass, in South Boston, in the city of Boston, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, privi-
leges, &c.

Real estate,
\$75,000;
capital,
\$300,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

Chap. 404

An Act to incorporate the Haverhill Female Benevolent Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Mary Stickney, J. R. Howe, Hannah Woodman, their associates and successors, are hereby made a corporation, by the name of the Haverhill Female Benevolent Society, for charitable and benevolent purposes; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, privi-
leges, &c.

SECT. 2. The said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding fifty thousand dollars. *[Approved by the Governor, April 29, 1854.]*

Real and personal estate,
\$50,000.

An Act to change the Place of holding the Terms of the Supreme Judicial Court and Court of Common Pleas in the County of Berkshire. *Chap. 405*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the time this act shall take effect, the several terms of the supreme judicial court now by law to be holden annually at Lenox, within and for the county of Berkshire, on the second Tuesday of September, and on the tenth Tuesday after the first Tuesday of March; and also the several terms of the court of common pleas now by law to be holden annually at Lenox, within and for said county, on the first Monday of January, the fourth Monday of February, the fourth Monday of June, the first Monday in July, and the fourth Monday in October, shall each be holden annually on the respective days aforesaid at Pittsfield, within and for the county of Berkshire.

Location of
courts

SECT. 2. All writs and processes, of whatever nature, whether civil or criminal, returnable to or pending in said supreme court or court of common pleas when this act shall take effect, shall thereafter be returned to and have day in said respective courts to which they may appertain, at the times and in the place established by this act; and all parties and persons who, when this act shall take effect, shall have been required to appear and attend at the terms aforesaid, shall appear and attend, and have like day in court at the terms, and at the times, and in the place, established by this act.

Returns of
writs and
processes.

SECT. 3. This act shall take effect on the first day of January, in the year of our Lord one thousand eight hundred and fifty-six: *provided, nevertheless*, that the proposition in the words following, viz.: "Shall the terms of the supreme judicial court, and of the court of common pleas, now by law to be holden annually at Lenox, in the county of Berkshire, be holden annually, after the first day of January in the year of our Lord one thousand eight hundred and fifty-six, at Pittsfield, in said county?" shall be submitted to the legal voters of the county of Berkshire, present and voting at the next election for governor, in said county,

Act to take
effect Jan. 1,
1856, if ac-
cepted, &c.

and those who shall vote thereon shall vote "Yes" or "No;" and if it shall be declared, in the manner hereafter stated, that a majority of the votes given at said election are given in affirmance of said proposition, then the provisions of this act which precede this proviso shall be and continue in force from the time stated in the first part of this section, until otherwise provided by law; and if a majority of the votes given upon said proposition are in negation thereof, as ascertained by the declaration hereafter prescribed, then the said terms of said courts shall, from and after the said first day of January, in the year of our Lord one thousand eight hundred and fifty-six, be holden annually at Lenox, as now provided by law.

Return of
votes to sec-
retary.

SECT. 4. The officers in the several towns in said county of Berkshire, authorized by law to receive the votes for governor, and to make return of the same to the secretary of State, shall respectively receive and make return of the votes given for and against said proposition at the next election for governor, and the proper officers aforesaid shall forthwith, after said election, make, certify and transmit, in separate sealed envelopes, to the secretary of State, the aggregate number of votes given in each town in said county for and against said proposition, to be by him laid before the governor and council, who shall, as soon as may be, proceed to count the same, and the aggregate number of votes given for and against said proposition shall be by them determined; and if it shall appear to the governor and council that a majority of votes given upon said proposition shall be in favor thereof, then the governor shall issue his proclamation to the inhabitants of the county of Berkshire, declaring that fact, to be published in four newspapers of the county, and declaring further that the said terms of the aforesaid courts shall be holden at Pittsfield, in conformity with the provisions of this act; but if, upon said examination, it shall appear to the governor and council that a majority of the votes given upon said proposition are opposed to said proposition, then the governor shall, as soon as may be thereafter, issue his proclamation to the inhabitants of said county, declaring that fact, to be published in like manner, and declaring further that the said terms of the aforesaid courts shall be holden at Lenox, as now provided by law, from and after the said first day of January, in the year of our Lord one thousand eight hundred and fifty-six. [*Approved by the Governor, April 29, 1854.*]

Governor to
make procla-
mation.

An Act relating to the Descent and Distribution of the Estates of In- *Chap. 406*
testates.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When any man shall die seized of any lands, Widow without issue entitled to half real estate. tenements, or hereditaments, or of any right thereto or interest therein in fee simple, not having lawfully devised the same, and leaving a widow, but no issue, the widow shall be entitled to one-half of the said estate during the term of her natural life.

SECT. 2. If the whole or any part of the real estate so May improve woodland. taken by the widow, shall be wild or woodland, the widow shall be entitled to use, clear and improve the same, in the same manner that the husband might do if living.

SECT. 3. When any man shall die possessed of any personal estate, or any right or interest therein, not lawfully Entitled to personal estate. disposed of by his last will, and leaving a widow, but no issue, the widow shall be entitled to the whole personal estate remaining after payment of the debts of the deceased, with the charges of his funeral and of settling his estate, provided such residue do not amount to more than five thousand dollars in value according to the appraisement. If such residue shall amount to more than five thousand dollars and less than ten thousand dollars in value, the widow shall be entitled to five thousand dollars out of the same. If the said residue shall amount to ten thousand dollars or upwards in value, the widow shall be entitled to one-half thereof: *provided*, that nothing in this act contained shall be held, in any case, to deprive a widow of her articles of apparel or ornament, or provisions or necessities given her by the first section of the sixty-fourth chapter of the Revised Statutes.

SECT. 4. The foregoing provisions of this act shall be To be in lieu of dower, unless, &c. in lieu of the widow's dower, at her election; and her election of the provisions of this act in preference to her dower shall be presumed, unless she file in the probate office her election to claim her rights of dower, in lieu of the provisions of this act, within six months of the date of the letters of administration. [*Approved by the Governor, April 29, 1854.*]

Chap. 407

An Act to establish the Fort Hill Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Ralph Huntington, William Wright, William H. Sanford, their associates and successors, be, and they are hereby constituted a body corporate, by the name of the Fort Hill Corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c.

May purchase and hold land.

SECT. 2. Said corporation shall have power to purchase, hold and possess, in fee simple or otherwise, any part, or all the land, with the building, and other improvements thereon standing, situate in that part of Boston known as Fort Hill, and lying easterly of the estates fronting on Pearl Street, between Broad and Milk Streets; southerly of the estates fronting on Milk Street, between Pearl and Batterymarch Streets, southerly and westerly of Batterymarch Street; southerly of the estates fronting on Broad Street, between Batterymarch and Purchase Streets, and westerly and northerly of that part of Broad Street, between said Purchase Street and its intersection with said Pearl Street; and said corporation shall have power to grant, sell and convey, in fee simple, or otherwise, the said corporate property, or any part thereof, and to lease, mortgage, improve, or otherwise manage the same in such manner as may be deemed most for the interest of said corporation, and by such forms of conveyance, and contract, as the by-laws of the company shall provide; and said corporation may hold personal property, not to exceed in amount five hundred thousand dollars, and its whole capital stock shall not exceed three millions of dollars.

May sell and convey land.

Personal property, \$500,000; capital, \$3,000,000.

30,000 shares.

SECT. 3. The stock and property of said corporation shall be divided into shares not exceeding thirty thousand in number, certificates of which shall be issued under the seal of the corporation, and signed by the president and treasurer thereof, and said shares may be transferred by assignment on the back of the certificate, and be recorded by the clerk of said corporation, in a book kept for that purpose.

How transferred.

Board of directors.

SECT. 4. The business affairs of said corporation shall be conducted by a board of not more than nine, nor less than five directors, to be chosen annually, by ballot. Each

shareholder shall be entitled to as many votes as he may hold shares in the corporation; and a majority of the directors so chosen, shall be necessary to form a quorum for the transaction of business.

SECT. 5. The said directors may make such equal assessments, from time to time, as they may deem expedient and necessary for the objects of the corporation; and may direct the same to be paid to the treasurer thereof; and if any proprietor shall neglect or refuse to pay any assessment for the space of thirty days from the time the same shall have been due, the directors may order the treasurer to sell said share or shares at public auction, to the highest bidder, after giving due notice thereof, and the same shall be transferred to the purchaser, and the delinquent proprietor shall be holden to pay said corporation the balance, if his share or shares shall sell for less than the amount assessed thereon, with the interest and cost of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with the interest and cost of sale: *provided, however*, that no assessment shall be laid on any share in said corporation, of a greater amount in the whole, than one hundred dollars on each share.

Assessments.

On refusal to pay, may sell, &c.

Proviso.

SECT. 6. The mayor and aldermen of the city of Boston, shall determine and prescribe in what manner said corporation may dig down and lower the grade of said hill, and shall lay out streets of such width and direction as may be deemed for the public good, due reference being had to the reasonable accommodation of said corporation, which streets shall be and become public highways, whenever they shall have been accepted by the mayor and aldermen aforesaid; and said mayor and aldermen may discontinue the old streets for the convenience, accommodation, and benefit of said corporation: *provided, however*, that nothing in this act shall be so construed as to authorize said corporation to take any lands belonging to any person or corporation, without the consent of the owner thereof; and in case any land necessary for the streets herein authorized to be laid out, shall be taken by the mayor and aldermen, for the purpose of laying out or discontinuing any street or altering the grade thereof, the proprietors thereof shall be entitled to damages therefor, to be estimated and recovered in the manner provided by law for the recovery of damages occasioned by the laying out of highways; and said corporation shall give satisfactory bonds to said mayor and aldermen, to pay into the city treasury all damages paid by said city for

Mayor and aldermen to determine, &c.

May discontinue streets.

Proviso.

Corporation to give bonds.

the laying out or discontinuance of any street, or by altering the grade thereof, and all expenses incurred thereby; and may require of said corporation, a bond with such conditions as the mayor and aldermen may prescribe, in relation to the expense of providing sewers and drains, in accordance with the conditions which may be imposed on said corporation relating to the discontinuance, laying out or lowering the grade of any street.

Act void in
three years,
unless, &c.

SECT. 7. This act shall become void at the expiration of three years from the date thereof, unless the said corporation shall, within that period, have expended a sum not less than one hundred thousand dollars upon the objects herein set forth.

Right not
abridged.

SECT. 8. Nothing in this act shall in any way limit, restrain or abridge the right which the city of Boston now have, in and to the open space or common on the summit of the said Fort Hill.

Act void, un-
less accepted
in one year.

SECT. 9. This act shall be void and of no effect, unless the same shall be accepted by the city council of Boston, within one year from the date thereof. [*Approved by the Governor, April 29, 1854.*]

Chap. 408

An Act to authorize the City of Boston to lay out a Highway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Highway in
Boston.

SECT. 1. The mayor and aldermen of the city of Boston are hereby authorized and empowered to lay out a highway, in continuation of Clinton Street, in said city, not exceeding sixty feet wide, and extending from the easterly line of Commercial Street, easterly, not exceeding two hundred and forty feet, and from some point on the said continuation, extending north-easterly, not exceeding sixty-six feet wide, and nearly parallel with said Commercial Street, to Eastern Packet Pier, and from some point on the said continuation of Clinton Street, extending south-westerly, not exceeding forty feet in width, to City Wharf, so called: *provided*, that the assent of the proprietors of the flats over which the said highway shall pass, shall be first obtained.

Proviso.

Act repealed.

SECT. 2. An act entitled "An Act to authorize the City of Boston to lay out a Highway," passed April twelve, eighteen hundred and fifty-four, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1854.*]

An Act concerning the Tenth Massachusetts Turnpike Corporation. *Chap. 409*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Tenth Massachusetts Turnpike Corporation shall hereafter be subject to the provisions of the fortieth section of the thirty-ninth chapter of the Revised Statutes, and the twelfth chapter of the statutes of eighteen hundred and forty; and the county commissioners may order the gates of said turnpike to be opened, in accordance with said provisions, whenever said turnpike shall be out of repair. Subject to certain statutes.

SECT. 2. The franchise of said corporation, and all the rights and privileges thereof, so far as relates to the receiving of toll and all other corporate property, shall be liable to be attached and sold, on any execution hereafter issued, in any action for the recovery of damages, for an injury occasioned by a want of repair in said road, according to the provisions of chapter forty-four of the Revised Statutes. Franchise, &c. liable to attachment.

SECT. 3. The county commissioners may lay out said road as a public highway, at any time they shall think it expedient, upon paying to said corporation for the present value of said road, such sum as may be awarded by three referees to be appointed by the court of common pleas, if not agreed upon by the parties; and the said county commissioners are hereby authorized to draw their order on the county treasurer for the amount so awarded. Road laid out as highway.

SECT. 4. This act shall not take effect unless said corporation shall, within sixty days after its passage, cause a certified copy of the record of its acceptance by said corporation, to be filed in the office of the secretary of State. Act not to take effect, unless, &c.

SECT. 5. Upon the acceptance, as above provided, of this act, but not otherwise, the district-attorney of the western district shall discontinue the proceedings in law now pending against said corporation for a forfeiture of its charter, but said corporation shall recover no costs. If, at any time hereafter, said corporation shall fail to satisfy any execution recorded against it for damages for injuries sustained in consequence of defects in the said turnpike, the said district-attorney shall, without further authority, imme- If accepted, proceedings against stopped.

diately prosecute said company for a forfeiture of its charter, for the causes now existing. [*Approved by the Governor, April 29, 1854.*]

Chap. 410

An Act to incorporate the Rotary Smoothing Iron Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Samuel M. Folsom, Jerome B. Judkins, Samuel G. Damon, George Sennott, their associates and successors, are hereby made a corporation, by the name of the Rotary Smoothing Iron Company, in the city of Boston and county of Suffolk, for the purpose of manufacturing rotary and self-heating smoothing irons; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties,
&c.

Real estate,
\$50,000 ;
capital,
\$250,000.

SECT. 2. The said corporation may hold real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed two hundred and fifty thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, actually paid in on each, than the par value of the shares which shall first be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 411

An Act to incorporate the Washacum Reservoir Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Edward H. Eldredge, Horatio N. Bigelow, Franklin Forbes, their associates and successors, are hereby made a corporation, by the name of the Washacum Reservoir Company, for the purpose of holding, maintaining, managing and improving, by means of a dam or dams, or otherwise, a reservoir of water, to comprise the Washacum Ponds, so called, in the town of Sterling, and their outlets and tributaries, for the better supply of the mills on the Nashua River; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised

Purpose.

Powers, duties,
&c.

Statutes, and to the conditions of an act passed at the present session of the legislature, and approved by the governor, April 15, 1854, entitled "An Act relating to Mill and Reservoir Dams."

SECT. 2. Said company, for the purposes aforesaid, may hold real estate, to the value of ten thousand dollars, and the whole amount of the capital stock shall not exceed fifteen thousand dollars.

Real estate,
\$10,000;
capital,
\$15,000.

SECT. 3. Any corporation, established by law, in this Commonwealth, and owning, or having an interest in, any mill privilege on said Nashua River, may, with the consent of said reservoir company, purchase and hold shares in the capital stock thereof, in such number and of such value as said corporation may deem expedient.

Other corpora-
tions may hold
shares.

SECT. 4. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to
be issued under
par.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, April 29, 1854.]

An Act to incorporate the Boston Board of Trade.

Chap. 412

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James M. Beebe, Silas Potter, James C. Converse, their associates and successors, are hereby made a corporation, by the name of the Boston Board of Trade, for the purpose of promoting trade and commerce in the city of Boston and its vicinity; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise, of any description.

Corporators.

Purpose.

Powers, duties,
&c.

Proviso.

SECT. 2. Said corporation may hold real and personal estate, to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and per-
sonal estate,
\$100,000.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 29, 1854.]

Chap. 413

An Act to incorporate the Middlesex Cordage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James Arkerson, Hiram Brooks, Otis Greene, their associates and successors, are hereby made a corporation, by the name of the Middlesex Cordage Company, for the purpose of manufacturing cordage, in the city of Cambridge and county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, &c.

Real estate,
\$50,000;
capital,
\$100,000.

SECT. 2. The said corporation may hold real estate, necessary and convenient for the purposes aforesaid, to the amount of fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 414

An Act to incorporate the Franklin Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William W. Gannett, Benjamin H. Currier, Henry Hart, their associates and successors, are hereby made a corporation, by the name of the Franklin Society, for the purpose of encouraging the introduction and extension of new and useful improvements, inventions, or discoveries in the arts and sciences, mechanics and manufactures, by premiums, exhibitions, and otherwise, and for the purpose of relieving distressed artists and mechanics and their families; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Powers, duties, &c.

Real estate,
\$20,000;
personal,
\$50,000.

SECT. 2. Said corporation may hold real estate to the amount of twenty thousand dollars, and personal estate to the amount of fifty thousand dollars, to be appropriated exclusively to the purposes aforesaid. [*Approved by the Governor, April 29, 1854.*]

An Act to incorporate the East Cambridge Five Cents Savings Bank. *Chap. 415*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Frederic W. Holland, Joseph Whitney, George Stevens, William Parmenter, John S. Ladd, Caleb Hayden, Ephraim Buttrick, Lewis Hall, Lorenzo Marrett, Norman S. Cate, Charles B. Stevens, Samuel Slocumb, Anson Hooker, their associates and successors, are hereby made a corporation, by the name of the East Cambridge Five Cents Savings Bank, to be established in the city of Cambridge; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. Powers, duties, &c.

SECT. 2. Said corporation shall receive on deposit, sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor, such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees may pay to minors. Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854*]

An Act in relation to Female Convicts.

Chap. 416

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any female with a nursing infant, shall be convicted of any offence punishable by imprisonment in the house of correction, the judge before whom the said conviction shall take place, may sentence the said female to some poor-house or house of industry, in the county in which such female may be convicted. Sentence of female convicts with infants.

SECT. 2. Whenever it shall appear to the physician of any house of correction, that any female convict is in a state of pregnancy, any judge of the court of common pleas may, Females en-ciente transferred to poor-houses.

upon the application of the officers of said house of correction, or of said convict, revise said sentence, so far as to order the transfer of said convict to any poor-house or house of industry in the same county, for such term as he may deem expedient, but not to exceed the remainder of the original sentence.

Removed upon application.

SECT. 3. Any judge of the court of common pleas may, upon the application of the officers of any house of correction, cause any female convict so sentenced or transferred, to be removed to the house of correction before the expiration of said sentence.

Allowance for support.

SECT. 4. For the support and custody of any such female convicts, so sentenced or removed, there shall be paid out of the county treasury the sum of two dollars per week, to the town in which said sentence shall be executed. [*Approved by the Governor, April 29, 1854.*]

Chap. 417 An Act concerning the Time of Payment of Damages for Lands taken for Railroads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part repeal of act of 1853.

SECT. 1. The second section of the act of May nineteenth, of the year eighteen hundred and fifty-three, being chapter three hundred and fifty-one of the acts of that year, entitled, "An Act in addition to the several Acts relating to County Commissioners, and also in relation to Railroads," is hereby repealed.

Locations may be withdrawn, &c.

SECT. 2. Any railroad corporation, which, since the passage of said act, has located its railroad over any land, but not entered thereon, and taken possession thereof, for the purpose of constructing its railroad, may, within one year from the passage of this act, withdraw said location, in whole or in part, by filing with the county commissioners of the county where such land lies, or the mayor and aldermen of the city of Boston, if such land lies within their jurisdiction, a written description of the part from which it elects to withdraw its location; but such withdrawal shall not impair the legal rights of any person; and an omission so to withdraw any such location shall be deemed an entry on the land so located over. [*Approved by the Governor, April 29, 1854.*]

An Act to incorporate the Mechanics' Brick Manufacturing Company. *Chap. 418*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin T. Martin, Nehemiah Boynton, J. B. Prince, their associates and successors, are hereby made a corporation, by the name of the Mechanics' Brick Manufacturing Company, for the purpose of manufacturing brick in the town of Chelsea, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities, &c.

SECT. 2. The said corporation may hold real estate necessary and convenient for the purposes aforesaid, not exceeding in amount, fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars: *provided, however*, that no shares in the capital stock of said corporation shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate,
\$50,000;
capital,
\$100,000.

No shares to
be issued un-
der par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act in relation to Prosecutions for Fines enuring to the Use of Cities. *Chap. 419*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city marshal, or other principal police officer of any city in the Commonwealth, may prosecute for all fines and forfeitures which may enure to the use of such city, or of the poor thereof, and may also prosecute for trespasses committed on any public building or enclosure within the limits of such city.

City officers
may prosecute.

SECT. 2. So much of the sixty-second and sixty-third sections of the fifteenth chapter of the Revised Statutes as is inconsistent with the provisions of this act, is hereby repealed. [*Approved by the Governor, April 29, 1854.*]

Inconsistent
act repealed.

Chap. 420 An Act to incorporate the Traders' Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	A. Richardson, E. W. Johnson, Joseph Nickerson, their associates and successors, are hereby made a corporation,
Duration.	by the name of the Traders' Mutual Fire Insurance Company, to be established in the city of Boston, for the term of
Purpose.	twenty years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by
Powers, duties, &c.	fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other laws of this Commonwealth, made or to be made, relating to such corporations. [<i>Approved by the Governor, April 29, 1854.</i>]

Chap. 421 An Act to establish the Dorchester and Milton Extension Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. Robert M. Todd, Edward King, Nathaniel F. Safford, their associates and successors, are hereby made a corporation, by the name of the Dorchester and Milton
Duties, liabilities, &c.	Extension Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes relating to railroad corporations, and in all general statutes that have been or shall be hereafter passed, relating to railroad corporations.
Location.	SECT. 2. Said company are hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point on the Dorchester and Milton Branch Railroad, west of the station at Milton Lower Mills, to some convenient point of intersection with the Midland or the Boston and New York Central Railroad, as the name may be, thence crossing said Midland or the Boston and New York Central Railroad, as the name may be, and extending to some convenient point of intersection with the Boston and Providence Railroad, between the Readville and Monterey Stations ; and the company hereby incorporated are empowered to terminate their

railroad extended from the Dorchester and Milton Branch Railroad at the aforesaid point of intersection with the Midland or the Boston and New York Central Railroad, as the name may be, or to enter upon, use and pass over a portion of the Midland or the Boston and New York Central Railroad, as the name may be, between said point of intersection and the point where said Midland or the Boston and New York Central Railroad, as the name may be, crosses the Boston and Providence Railroad, according to the provisions of law, and also to construct and maintain a portion of railroad connecting said Midland or the Boston and New York Central Railroad, as the name may be, with the Boston and Providence Railroad, and uniting therewith at or near the Readville Station.

SECT. 3. The capital stock of said company shall consist ^{500 shares,} of not more than five hundred shares of one hundred dollars ^{of \$100 each.} each, the number of which shall be determined, from time to time, by the directors thereof.

SECT. 4. If the location of said railroad, or of some ^{Location and} section thereof herein authorized, be not filed according to ^{completion.} law within two years; and if said railroad or the section thereof located, be not completed within three years from the passage of this act, so much of this act as relates to the section or sections not so located and constructed, shall be void.

SECT. 5. Said company are hereby authorized to enter ^{May unite with} upon and unite their railroad, by proper means, with the ^{other roads.} Dorchester and Milton Branch Railroad, and with the Midland or Boston and New York Central Railroad, as the name may be, and to use the same agreeably to the provisions of law; and also to unite their railroad with the Boston and Providence Railroad: *provided, however,* that ^{Proviso.} the consent of the Boston and Providence Railroad Corporation shall be first had and obtained to the union with their railroad, as last named, which consent, when granted, shall be irrevocable on their part; and the said Boston and Providence Railroad Corporation shall not at any time be compelled to transport on any part of their railroad, or any part of the railroad known as the Dedham Branch Railroad, any freight or passengers to or from the railroad hereby established, except upon such terms as shall be agreed upon by and between the said Boston and Providence Railroad Company, and the corporation hereby established; and *provided, also,* that in case the Boston and Providence Railroad Company shall not consent to said union with their ^{Provided, also}

railroad, the provisions of this act in all other respects shall not be thereby impaired or affected.

May convey
rights, &c.

SECT. 6. The Dorchester and Milton Extension Railroad Company may transfer and convey their rights, privileges, property and franchise, under this charter, to the Dorchester and Milton Branch Railroad Company, and said corporation is authorized to take, receive and hold the same, whenever a major part of the stockholders thereof shall elect so to do; and for this purpose, the Dorchester and Milton Branch Railroad Company may increase their capital stock by new shares to an amount not exceeding fifty thousand dollars, and upon such transfer and conveyance, the corporation herein created may close up its affairs, and upon payment of all liabilities against it, and the division of its assets, shall cease to exist; and upon such transfer or conveyance, the Dorchester and Milton Branch Railroad Company shall continue to have and exercise the same rights and privileges as said company now have and exercise, together with the additional rights and privileges hereby granted. [*Approved by the Governor, April 29, 1854.*]

Chap. 422

An Act to incorporate the Moody House Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James G. Moore, Horatio Moore, Thomas Gorham, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Moody House Hotel, for the purpose of erecting a hotel, in the town of Waltham, and maintaining such public house, and the buildings and improvements connected therewith; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel-keeping.

Powers, duties,
&c.

Proviso.

\$75,000 real
and personal
estate.

No shares to
be issued un-
der par.

SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, for the purposes aforesaid, shall not exceed seventy-five thousand dollars in value: *provided, however*, that no shares in the capital stock of said corporation, shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act in addition to the Acts relative to the Returns to be made by Railroad Corporations. *Chap. 423*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The annual report now by law required to be made by the directors of the several railroad corporations within this Commonwealth shall, hereafter, contain full information upon the several items herein-after enumerated, to wit: amount of debts secured by mortgage of road, and franchise, or any property of the corporation, per last report; mortgage debt paid since last report; mortgage debt, increase of, since last report; total present amount of mortgage debt; number of mortgages on road and franchise, or any property of the corporation. [*Approved by the Governor, April 29, 1854.*]

To contain information respecting mortgages, &c.

An Act to prevent Incendiarism.

Chap. 424

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any building, or other property in the Commonwealth, shall be destroyed by fire, and a complaint within ten days thereafter, shall be subscribed and sworn to, before any justice of the peace for the county where such fire shall happen, alleging that reasonable grounds exist for believing that said fire was not accidental in its origin, but was caused by design, it shall be the duty of such justice forthwith to issue his warrant, to some constable of the town or city where such property was destroyed, requiring him to summon immediately, six good and lawful men of the county to appear before said justice, at the time and place expressed in the warrant, to inquire when, how, and by what means said fire originated. And in case of the non-appearance of any person so summoned, the constable shall, by order of said justice, return some person from the bystanders to complete said number.

Justice to summon a jury.

SECT. 2. When the persons thus summoned appear, or the number be made complete, the said justice shall call over their names, and then, in view of the spot on which

Jurors to be sworn.

said property was destroyed, he shall administer the following oath:—

You solemnly swear that you will diligently inquire, and true presentment make, on behalf of this Commonwealth, when, how, and by what means the fire which has here occurred, was caused, and you shall return a true inquest, according to your knowledge and such evidence as shall be laid before you.

Witnesses sub-
pœnaed.

SECT. '3. The justice may issue subpœnas for witnesses, returnable forthwith, at such time and place as he shall therein direct. Such witnesses shall be allowed the same fees, and their attendance shall be enforced in the same manner, as if they had been served with a subpœna in behalf of the Commonwealth, to attend any court of the same.

To be sworn.

SECT. 4. An oath to the following effect shall be administered to such witnesses by said justice:—

You solemnly swear, that the evidence which you shall give to this inquest, concerning the origin of the fire, of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth, so help you God.

Testimony in
writing.

SECT. 5. The testimony of all witnesses examined before any inquest, shall be reduced to writing by said presiding justice, or some other person by his direction, and subscribed by the witnesses.

Testimony and
inquisition to
be filed.

SECT. 6. The jury, after hearing the testimony of the witnesses, and making all needful inquiry, shall draw up, and deliver to said justice, their inquisition under their hands, in which they shall find and certify when, how, and by what means such fire was caused, and said inquisition and testimony, thus subscribed, shall be filed by said justice, with the clerk of the courts for said county, within one week thereafter.

Expenses, how
paid.

SECT. 7. The fees of said justice, and the expenses of said inquisition, shall, in amount and manner of payment, be the same as is now provided by law for coroners' inquests. [Approved by the Governor, April 29, 1854.]

Chap. 425

An Act to incorporate the Boston Electric Clock Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Moses G. Farmer, Edward Howard, Jesse C. Rowe, their associates and successors, are hereby made a corporation, by the name of the Boston Electric Clock

Company, for the purpose of manufacturing and selling electric clocks and connecting the same by telegraphic lines, for the purpose of securing uniform time and furnishing electricity to electric clocks and telegraphs; which company is to be located in the city of Boston, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Powers, privileges, &c.

SECT. 2. The said corporation may hold real estate, necessary and convenient for the purposes aforesaid, not exceeding in amount thirty thousand dollars, and the whole capital stock of said corporation shall not exceed in amount the sum of one hundred thousand dollars. Real estate,
\$30,000;
capital,
\$100,000.

SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued. No shares to
be issued un-
der par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act to incorporate the New England Blank Book Ruling and Paging Company. Chap. 426

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles C. Conley, James F. Whittemore, Asael H. Wildes, Choate Burnham, Joseph G. Martin, J. A. Bullard, their associates and successors, are hereby made a corporation, by the name of the New England Blank Book Ruling and Paging Company, at Boston, for the purpose of manufacturing machines, and machinery for, and of ruling, heading and paging blank books, and purchasing, holding, selling and using patent rights for the same; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.

Powers, du-
ties, &c.

SECT. 2. Said corporation may hold real estate, not exceeding in value fifty thousand dollars, and personal estate to the value of not more than two hundred and fifty thousand dollars. Real estate,
\$50,000;
personal,
\$250,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, paid in on each, than the par value of the shares which shall be first issued. No shares to
be issued un-
der par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 427

An Act to incorporate the Seekonk Water Power Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. J. Carter Brown, Zachariah Allen, William Goddard, their associates and successors, are hereby made a corporation, by the name of the Seekonk Water Power Company, with power to purchase and hold one or more dams across the "Ten Mile River," in the town of Seekonk, in the county of Bristol, and to create and maintain a water power, to use or sell, or lease to other persons to use, for manufacturing and mechanical purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties, &c.

Real estate,
\$50,000;
capital,
\$100,000.

SECT. 2. Said corporation may purchase and hold real estate, not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

No shares to
be issued un-
der par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 428

An Act to make further Provisions for Widows in certain Cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Widows may
waive will.

When any man shall die, having lawfully disposed of his estate by his will, and leaving a widow, the widow may, at any time within six months after the probate of the will, waive the provisions made for her in the will; and she shall, in such case, be entitled to such portion of the real and personal estate as she would have been entitled to if her husband had died intestate: *provided, however,* that the widow shall not, in any such case, be entitled to receive more than ten thousand dollars out of the personal estate. [*Approved by the Governor, April 29, 1854.*]

Proviso.

An Act to authorize Cities and Towns to appropriate Money for certain Purposes. *Chap. 429*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The several cities and towns in this Commonwealth are hereby authorized, to raise and appropriate such sums of money as they may deem proper, for the purpose of procuring the writing and publication of histories of such cities or towns respectively. *[Approved by the Governor, April 29, 1854.]* May publish histories.

An Act in relation to the Lunatic Hospital at Taunton, and the State Prison. *Chap. 430*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In order to provide means for completing and furnishing the Lunatic Hospital at Taunton, and making further improvements, and purchasing land in connection with the State Prison at Charlestown, the treasurer is hereby empowered, under direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding ninety-four thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, on the first days of January and July, with warrants for interest attached thereto, signed by the treasurer, which scrip or certificates of debt shall be redeemable on the first day of July, eighteen hundred and seventy-four, and shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof; and the treasurer may, under the direction of the governor and council, dispose of any portion of said scrip, at any price not less than its par value. \$94,000 scrip may be issued.

SECT. 2. The treasurer, under direction of the governor and council, may borrow, in anticipation of the issue of any of the scrip authorized as above, such sums as may be necessary for the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, Treasurer may borrow money.

shall at no time exceed the sum of ninety-four thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 431

An Act to increase the Capital Stock of the Rockland Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital.

SECT. 1. The President, Directors and Company of the Rockland Bank, in Roxbury, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided, however*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-five.

Proviso.

Remonstrance
to be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
the secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act to incorporate the Atlantic Telegraph Company.

Chap. 432

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles H. Hudson, Benaiah B. Titcomb, Corporators. Thomas P. Pingree, their associates and successors, are hereby made a corporation, by the name of the Atlantic Telegraph Company; with all the rights and privileges, and subject to all the restrictions and liabilities contained in the forty-fourth chapter of the Revised Statutes, and in an act approved on the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "An Act concerning Electric Telegraph Companies and Electric Telegraphing." Powers, duties, &c.

SECT. 2. Said corporation is hereby authorized to construct, maintain and use, lines of telegraph between the city of New York, in the State of New York, and the city of Halifax, in the Province of Nova Scotia, (the same to be extended through this State,) with such branches as they may deem expedient; subject however, to such laws, in reference thereto, as have been, or may hereafter be passed, by this State, or other States or Provinces, in which any part of such telegraph lines may be constructed. May construct lines of telegraph.

SECT. 3. The capital stock of said corporation, shall be of such an amount as may, from time to time, be found to be necessary, for the exclusive purpose of constructing, maintaining and using, the lines of telegraph hereby authorized and contemplated; but not, in any case, to exceed the sum total of two hundred thousand dollars, to be divided into shares of fifty dollars each; and no shares in the capital stock of said corporation, shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. Capital stock, \$200,000, in shares of \$50 each.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 29, 1854.] No shares to be issued under par.

An Act for the Annexation of Charlestown to Boston.

Chap. 433

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that territory now comprised within the limits of the city of Charlestown, in the county of Middlesex, with all the inhabitants and estates therein, is hereby Annexation.

Proviso.

annexed to and made a part of the city of Boston, in the county of Suffolk, subject to the same laws and municipal regulations, and entitled to the same immunities, in all respects, as the said city of Boston: *provided, however*, that the territory so transferred shall, for the purpose of electing senators to the general court, continue to be and remain a part of the senatorial district of Middlesex, until otherwise constitutionally provided; and for the purpose of electing representatives to the general court, the said territory shall, until otherwise constitutionally provided, be and remain a distinct representative district, entitled to the same number of representatives, and subject to the same duties and obligations, in relation to the choice of said representatives, as the said territory, or the inhabitants thereof, would have possessed by the laws of the Commonwealth, if this act had not been passed; and *provided, further*, that so long as the territory so transferred shall remain a distinct senatorial or representative district, as aforesaid, the same, or any part thereof, shall not be set out or attached, by the city council of said city of Boston, to any other part of said city for the purpose of forming any ward or wards of said city; but the same shall remain separate, and be divided into such ward or wards as the said city council may determine, except as herein-after provided.

Election of
senators, &c.

SECT. 2. The mayor and aldermen of the city of Boston shall issue their warrants for all meetings called for the election of senators and representatives aforesaid, in the territory so transferred, conformably to the provisions of this act; and it shall be the duty of the ward officers to certify the votes cast therein for senators and representatives, to the mayor and aldermen of said city of Boston, who shall certify the same in the same manner as they are now required by law to certify the votes cast in said city of Boston for senators and representatives.

Divided into
wards.

SECT. 3. The city council of said city of Boston shall, as soon as may be after this act shall take effect, divide the territory hereby transferred into two convenient wards, in which the number of legal voters shall be as nearly equal as possible, and the limits of which, as so divided, shall remain fixed until the next alteration of ward limits by the said city council, according to law; and the two additional wards so established shall be entitled to the same number of councilmen, school committee men, overseers of the poor, assistant assessors, ward officers, and all other officers not

herein mentioned, as the other wards of said city of Boston are entitled to.

SECT. 4. The territory so transferred, and the inhabitants thereon, and their estates, shall be liable for all taxes already assessed and not paid, and also all city, county, and state taxes, that may be hereafter assessed on them by said city of Charlestown, and before this act shall take effect, in the same manner as they would have been liable if this act had not been passed. Taxes.

SECT. 5. All the public property of the said city of Charlestown shall become, and is hereby declared to be, the property of the city of Boston; and the city treasurer of Charlestown shall, under the direction of the mayor and aldermen of said city of Charlestown, who for this purpose shall continue to hold their offices over, transfer, deliver, pay over, and account for, to the city treasurer of Boston, all books, papers, moneys, and other property in his possession as city treasurer, when this act shall take effect; and the city of Boston shall, thereafter, be held liable for the public debt of Charlestown; and all interest of the said city of Charlestown in the public property of the county of Middlesex is hereby released and acquitted to the said county of Middlesex; and if, at any time after this act shall take effect, judgment shall be recovered against said county, upon any debt existing when this act shall take effect, and any execution thereon shall be levied upon the property of said city of Charlestown, or of any inhabitant thereof, and shall not be reimbursed to the party paying the same within thirty days after such levy, with interest and all necessary costs and charges, from the county treasury of said county, the party so paying as aforesaid may sue out a writ of *scire facias* against said county of Middlesex, from the same court in which the judgment was rendered, to show cause why judgment and execution should not be awarded against said county, and the property thereof, for the amount so paid as aforesaid, with interest, and all necessary costs and charges. Public property transferred.

SECT. 6. The volumes now in the registry of deeds office for the county of Middlesex, containing the records exclusively relating to lands and estates within the territory so transferred, shall be deposited by the register for said county in the registry of deeds office for said county of Suffolk, the same to be there kept and used in the same manner as the records of said county of Suffolk are kept and used. Records of deeds, where deposited.

Act not to take
effect, unless,
&c.

SECT. 7. This act shall not take effect unless the inhabitants of the cities of Boston and Charlestown respectively, qualified by law to vote in city affairs, shall accept the same, at a meeting to be called for that purpose by the mayor and aldermen of each city, within nine months after its passage. And it shall be the duty of the mayor and aldermen of each city aforesaid to warn meetings for said purpose, within the period aforesaid, upon the requisition of fifty qualified voters of their respective cities; and if, upon the return of the votes cast at such meeting, it shall appear that a majority of said votes in the respective cities are in favor of the acceptance of this act, then it shall be the duty of the mayor and aldermen of each city, to forthwith certify said returns to the secretary of the Commonwealth, who shall, if the mayor and aldermen of both said cities shall have certified to him in manner aforesaid, immediately issue and publish his certificate, declaring this act to have been accepted according to law.

Appointment
of committee
provided for.

SECT. 8. If the county commissioners for the county of Middlesex, within six months after the acceptance of this act by said cities, as herein provided, shall elect to apply to the justices of the supreme judicial court, sitting in either the county of Suffolk or of Middlesex, for the appointment of a committee of three disinterested persons to ascertain whether any thing should, in justice and equity, be paid by the city of Charlestown to the county of Middlesex, towards the liquidation of its debt, in addition to the relinquishment of said city's share of the county property, then, on notice being given of the said application, such committee shall be appointed, who shall take an estimate of the county property, in which due allowance shall be made for any permanent expenditure that may have been incurred for the especial accommodation of Charlestown, and shall also take an account of the county debts, and shall decide and report what sum, if any thing, should be paid by either party to the other; and the report of said committee, when accepted by said court, shall be binding and conclusive, and whatever shall be found due, whether from or to the county of Middlesex, shall be paid to or by the city of Boston and Charlestown thus united. But if no such application be made by the said county commissioners within said time, then the county of Middlesex shall not be required to make any allowance for the surplus value of the county property, after the payment of the county debt. [*Approved by the Governor, April 29, 1854.*]

Shall take an
estimate of
county prop-
erty.

And debts.

An Act to incorporate the Middlesex Railroad Company.

Chap. 434

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Asa Fisk, Richard Downing, David Kimball, Corporators. their associates and successors, are hereby made a corporation, by the name of the Middlesex Railroad Company, with power to construct, maintain and use, a railway or railways, Power to construct railway. with convenient single or double tracks, from such point or Location. points of the town of Somerville as shall be fixed by the selectmen of said town, with the assent of said corporation in writing, expressed, and filed with said selectmen, and upon and over such of the streets and highways of said town, as shall be, from time to time, fixed and determined by said selectmen, with the written assent of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways with those of the city of Charlestown, and thence upon and over such of said streets as shall be, from time to time, fixed and determined by the mayor and aldermen of said city, and assented to in writing by said corporation, to Charlestown Square, and from Charlestown Square, through Warren Avenue, to Warren Bridge, and upon and over said bridge, to the city of Boston, and thence upon and over such of the streets of said city, as shall be, from time to time, fixed and determined by the mayor and aldermen of said city, to such point or points near Haymarket Square, as shall be fixed and determined by said mayor and aldermen, and assented to, in writing, by said corporation; and thence upon and over Charlestown and Causeway Streets, as shall be, from time to time, fixed and determined by said mayor and aldermen, if they shall deem it expedient to determine and fix the same, and assented to in writing, by said corporation, to Charles River Bridge, and over and upon said bridge, and through Charles Street, in said Charlestown, to Charlestown Square, aforesaid: *provided, however,* that all tracks of said railroad Proviso. shall be laid at such distances from the sidewalks in said cities, as the mayor and aldermen of said cities, respectively, and the selectmen of said town of Somerville, shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience. And said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property, as they may think expedient, not exceeding five cents for each Rates of fare.

passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Notice to abutters.

Notice to abutters on streets in which it may be proposed to lay the tracks of said corporation, shall be given by the publication, in one or more newspapers published in the cities of Boston and Charlestown, respectively, of an order of notice from the mayor and aldermen of said respective cities, and the selectmen of Somerville, fourteen days, at least, prior to the location of any such tracks: *provided, however,* that at any time after the expiration of one year from the opening for use, of the tracks of said railroad, in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the cities of Boston and Charlestown, and the selectmen of Somerville, respectively, may, by vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective cities or town, that the same, or any part thereof, be discontinued; and thereupon, the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote or order of said mayor and aldermen, or selectmen: *provided,* such taking up and removal shall be at the expense of said railroad company.

Location may be revoked.

Appointment and duty of commissioners

SECT. 2. The governor, by and with the advice and consent of the council, shall appoint three commissioners, whose duty it shall be to fix and determine the location of said railroad upon said Charles River Bridge, and Warren Bridge, or upon lines running parallel thereto, and the manner in which the same shall be built thereon, or upon lines running parallel thereto, and the construction of suitable draws in said bridges, and the manner in which the same shall be managed and opened for the passage of vessels, and the attendance upon the same; and in case tolls shall be demanded, for the passage of persons or vehicles over said bridges, the said commissioners shall have power to fix and determine the amount which shall be paid by said corporation, for such use of such bridges respectively; and in case the same shall be assented to by the corporation, the same shall be binding upon the Commonwealth and said corporation, so long as said bridges respectively remain the property of the Commonwealth, unless the same shall be released, or some part thereof, by the legislature; and in case said corporation shall not assent to the rate of compensation as found by said commissioners, the supreme

judicial court, upon petition of said commissioners, or of said corporation, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix the rate of compensation or toll; and the award of said commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until they shall have been revised or altered by commissioners so appointed as aforesaid; but no such revision or alteration shall be made by such commissioners, within one year after such decision and award shall have been made. The governor and council shall fix the compensation of the commissioners in this section mentioned, but the same shall be paid by said corporation.

Compensation.

If any other railroad corporation shall obtain from the mayor and aldermen of the city of Boston, and the mayor and aldermen of the city of Charlestown, and also from commissioners appointed by the governor, authority to lay a track upon any route, or street, or bridge, between Charlestown Square, in said Charlestown, and Haymarket Square, in said Boston, before the like authority shall have been obtained by this corporation, then so much of this act as authorizes the corporation hereby created, to lay a track or tracks in said street, or route, or bridge, shall become void; but this corporation may enter upon and use the track or tracks obtained by such corporation, upon such route, or street, or bridge, in such mode, and upon such rates of compensation, as may be agreed upon; or in case of disagreement, such mode or rates shall be fixed by three commissioners, to be appointed by the supreme judicial court.

Part of act void in certain cases

May use other tracks.

SECT. 3. Either of the cities of Boston or Charlestown, or the town of Somerville may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of said road, or any part thereof for use, purchase that part of the corporation property of the company which relates to, or lies within their limits, paying therefor a just proportional part of the sum which will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of the said stock to him on the books of the corporation, deducting therefrom the dividends received by said stockholders thereon, to be ascertained by commissioners to be appointed by the supreme judicial court.

Cities or town may purchase, &c.

Operated by
horse-power.

SECT. 4. Said tracks or roads shall be operated and used by said corporation with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The mayor and aldermen of said cities respectively, shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require.

Repairs, &c.

SECT. 5. Said corporation shall maintain and keep in repair, such portion of the streets and bridges respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks, roads or bridges; and in case any recovery shall be had against either of said cities or said town, by reason of such defect or want of repair, said corporation shall be liable to pay to said cities or said town respectively, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by said cities or said town, or either of them in the defence of any such suit or suits, in which recovery shall be had; and said corporation shall not encumber any portion of the streets or bridges not occupied by said road or tracks.

Penalty for ob-
structing track

SECT. 6. If any person shall, wilfully and maliciously, obstruct said corporation in the use of said road or tracks, or the passing of the cars, or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Penalty for ob-
structing high-
way.

SECT. 7. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock,
\$400,000, in
shares of \$100
each.

SECT. 8. The capital stock of said corporation shall not exceed four hundred thousand dollars, to be divided into shares of one hundred dollars each. And no shares in the capital stock shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

May hold real
estate.

SECT. 9. Said corporation shall have power to purchase and hold such real estate within said cities, or either of

them, or said town, as may be convenient or necessary for the purposes and management of said road.

SECT. 10. The said road shall be constructed and maintained, in such form and manner, and upon such grade, and with such gauge as the mayor and aldermen of said cities, and selectmen of said town respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the mayor and aldermen of said cities, and the selectmen of said town respectively. Grade and gauge of road.

SECT. 11. Nothing in this act shall be construed to prevent the city authorities of either of said cities, or the selectmen of said town, from entering upon and taking up any of the public streets or bridges traversed by said railroad, for the purpose for which they may now lawfully take up the same. Act not to prevent authorities, &c.

SECT. 12. This act shall be void, so far as relates to the right to construct said road in either of said cities, or town, unless the same shall be accepted by the city councils of said cities, and the selectmen of said town respectively, and unless the same shall be accepted by said corporation, and unless ten per cent. of the capital stock thereof shall be paid in within two years from and after the passage of this act. Act void, unless, &c.

SECT. 13. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are, or may be prescribed by law, but not to the other general provisions of law in relation to railroad corporations. Returns.

SECT. 14. The existence of said corporation is hereby limited to the period of fifty years from the passage of this act: *provided, nevertheless*, that the legislature may, at any time, repeal this act, or limit, restrict or annul, any powers herein granted. *[Approved by the Governor, April 29, 1854.]* Duration. Proviso.

Chap. 435 An Act to incorporate the Dorchester Avenue Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. Cheever Newhall, Edward King, John J. May, their associates and successors, are hereby made a corporation by the name of the Dorchester Avenue Railroad Com-
Power to construct railway.	pany, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from a
Location.	point near the Lower Mills, so called, in the town of Dorchester, upon and over the way or street heretofore known by the name of the Dorchester Turnpike, or Turnpike Street, to the line of the city of Boston, and thence upon and over such street in South Boston as the mayor and aldermen of the city of Boston may determine, upon and over the North Free Bridge, and upon and over Sea and Broad Streets, in the direction of State Street, in said Boston, as shall, from time to time, be fixed and determined by vote of the mayor and aldermen of said city, and as-
Proviso.	sented to in writing by said railroad corporation: <i>provided</i> , that all tracks of said railroad shall be laid at such distance from the side walks in the city of Boston and town of Dorchester as the mayor and aldermen of said city and the selectmen of said town, respectively, shall determine to be for the public safety and convenience; and the written assent of said corporation to any vote of the mayor and aldermen of said city or of the selectmen of the said town, respectively, prescribing from time to time the route of said railroad, shall be filed with the respective clerks of said city and town, and shall be taken and deemed locations thereof: and <i>provided</i> , that before the location or construc-
Proviso.	tion of any track in any street or highway, the mayor and aldermen of said city, and the selectmen of said town, re-
Notice to abutters.	spectively, shall give notice to the abutters thereon, by the publication in one or more newspapers published in the said city of Boston, and in the county of Norfolk, of an order of notice from said mayor and aldermen and selectmen, respectively, fourteen days, at least, prior to the hearing upon the location of any part of such track, that the said abutters may show cause, if any there be, why said track should not be so located and constructed; and the said railroad corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property thereon as they may deem expedient: <i>provided</i> , that the
Rates of fare.	

rates of fare between any two stations in the city of Boston shall never exceed five cents for each passage of a person, unless with the assent of the mayor and aldermen of said city; and the said railroad corporation shall be subject to all the duties, restrictions and liabilities, and entitled to all the rights and privileges, prescribed by the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said tracks or railroad shall be operated and used by said corporation, with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The mayor and aldermen of said city, and the selectmen of said town, respectively, shall have power at all times, to make all such regulations as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require. Operated by horse-power only.

SECT. 3. Said corporation shall maintain and keep in repair, such portions of the streets and bridges in the city of Boston, as shall be occupied by their tracks; and they shall also keep the whole of the bed of any road in the town of Dorchester, which shall be thus occupied, in such repair that the public travel or teaming over said Dorchester Turnpike, within the limits of the town of Dorchester, shall be well accommodated while said railroad corporation may continue to occupy any part of said turnpike under this act, and the said railroad corporation shall be liable for any loss or injuries that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of said tracks or railroad; and in case any recovery shall be had against the said city or town, by reason of such defect or want of repair in or use of their said tracks or roads, said corporation shall be liable to pay to said city and town respectively, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by said city or town, or either of them, in the defence of any such suit or suits in which such recovery shall be had; and said corporation shall not encumber any portion of the streets not occupied by the said railroad or tracks. Repairs, &c.

SECT. 4. If any person shall, wilfully or maliciously, obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail, for a period not exceeding three months. If said corpora- Penalty for obstructing, &c.

tion, or its agents, or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, said corporation shall be punished by a fine, not exceeding five hundred dollars.

Capital stock,
\$300,000, in
shares of \$50
each.

SECT. 5. The capital stock of the said corporation shall not exceed the sum of three hundred thousand dollars, to be divided into shares of fifty dollars each, and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall first be issued.

May hold real
estate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate, within said city or town, as may be necessary or convenient for the purposes and management of said railroad.

City or town
may purchase,
&c.

SECT. 7. Either the said city of Boston or town of Dorchester, if it so elect, may, during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said railroad for use, purchase of said corporation, all the franchise, property, rights and furniture, of said corporation, by paying to said corporation therefor, such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said city and town having the right only to purchase that part of the corporate property within their own limits and jurisdiction, respectively, and paying therefor a proportionate sum on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Location may
be revoked.

SECT. 8. At any time after the expiration of one year, from the opening for use of the tracks of said railroad, in any street or road in which the same may be located, as provided by its charter, the mayor and aldermen of the said city, and selectmen of the said town, respectively, may, by a vote of the major part thereof, determine as to so much of said track as is located within their respective limits, that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote or order of said mayor and aldermen or selectmen: *provided*, that such taking up and removal shall be at the expense of said railroad corporation.

SECT. 9. The said railroad shall be constructed and maintained in such form and manner, and upon such grade and with such gauge, as the said mayor and aldermen and selectmen, respectively, may, in their votes, fixing and determining the routes thereof, prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street or road so occupied by it, such alteration shall be made at the sole expense of said corporation: *provided*, the same shall be assented to by the said mayor and aldermen, and selectmen respectively.

Grade and gauge of road.

SECT. 10. The said railroad, or any part thereof, shall not be constructed until the above mentioned street or way, heretofore known as the Dorchester Turnpike, shall have been laid out as a public highway, by the county commissioners for the county of Norfolk, duly and according to law.

Not to be constructed until, &c.

SECT. 11. If, at any time, for the greater convenience of the inhabitants of that part of Boston called South Boston, it shall become desirable to construct a railroad, by horsepower, from South Boston Point to the junction of Broadway and Turnpike Street, or other streets, any corporation chartered for that purpose shall have the right to connect with the road herein chartered, upon reasonable terms; such terms, in case of dispute, to be ascertained and determined by commissioners appointed for that purpose by the supreme judicial court.

Other corporation may connect with.

SECT. 12. Nothing in this act shall be construed to prevent the authorities of said city or town, respectively, from taking up any of the public streets or roads traversed by said railroad, for the purposes for which they may now lawfully take up the same.

Act not to prevent authorities, &c.

SECT. 13. This act shall be void so far as relates to the right to construct said road in either said city or said town, unless the same shall be accepted by the city council of the city of Boston, and the selectmen of the town of Dorchester, and unless the same shall be accepted by the said corporation, and ten per cent. of the capital stock thereof paid in, within two years from the passage of this act.

Act to be void, unless, &c.

SECT. 14. The said company shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature, as are, or may be prescribed by law in relation to railroad corporations, but not to the other general provisions of law, in relation to railroad corporations.

Returns.

Duration.

SECT. 15. The existence of said corporation is hereby limited to the period of fifty years from the passage of this act: *provided, nevertheless*, that the legislature may, at any time, repeal this act, or limit, restrict or annul, any powers herein granted. [*Approved by the Governor, April 29, 1854.*]

Proviso.

Chap. 436 An Act to provide a mode of opening Central Bridge, free of Toll.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Sum paid, how determined.

SECT. 1. The supreme judicial court shall have full power and authority to hear and determine, in equity, (upon the petition of the city of Lowell and the town of Dracut, or either of them,) what sum the Central Bridge Corporation shall be entitled to receive from the city of Lowell and the town of Dracut, or either of them, in order that the bridge of said corporation, over Merrimack River, in said Lowell, may be opened free of toll; and also, to order and decree, that upon the payment of such sum to the said corporation, by the city of Lowell and the town of Dracut, or either of them, the said bridge shall be opened, free of toll; and to make and award all such judgments, orders, decrees and injunctions, and issue all such writs and processes, as shall be necessary or proper, to carry into full force and effect the powers and authority hereby given them.

Dracut to pay part expenses.

SECT. 2. The town of Dracut is hereby authorized to pay such proportion of the expenses of opening Pawtucket Bridge and Central Bridge, over Merrimack River, or either of them, free of toll, and maintaining the same, as the said town, at any legal meeting thereof, called for that purpose, shall determine, and for that purpose, may assess a tax upon the inhabitants of said town.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 437 An Act concerning Lunatic State Paupers, and Admission to the State Pauper Establishments.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lunatics, where sent.

SECT. 1. No city or town shall have a right to send to either of the State pauper establishments, any lunatic who, by reason of his insanity, would be dangerous to be at

large. And if any inmate of such establishment shall become such a lunatic, the inspectors thereof may apply to two justices of the peace, and of the quorum, for the county in which such institution is situated, who shall have the same power and authority in all respects, in regard to such application, and the commitment of such lunatic to either of the State lunatic hospitals, as judges of probate now have in regard to lunatics furiously mad: *provided, however*, that it shall not be necessary to give notice of such application to the officers of any town or city; and the expense of supporting such pauper in such hospital shall be charged to and paid by the Commonwealth.

SECT. 2. Whenever, by reason of the several State pauper establishments being full, any city or town shall be unable to obtain admission for any State pauper, whom they may wish to send to the same, such city or town shall take charge of such pauper until notified by the superintendent, to whom application for such admission shall have been made, that such pauper can be received therein. And it shall be the duty of such superintendent to give such notice, from time to time, by letters sent through the mail, to such towns and cities as have made application for the admission of State paupers, as the means of receiving them shall arise; having regard, in so doing, to the priority of such applications.

Support of paupers in certain cases.

SECT. 3. The governor, by and with the advice and consent of the council, shall appoint at least one member of each of the several boards of inspectors of the State pauper establishments annually.

Appointment of inspectors.

SECT. 4. Upon the complaint of the trustees of the several State lunatic hospitals, the county commissioners of the several counties, the inspectors of the several State pauper establishments, or the overseers of the poor of any town or city, for the removal of any State pauper, under their charge, who is a lunatic, justices of the peace shall have the same powers as are given by the seventeenth section of the forty-sixth chapter of the Revised Statutes, in respect to the removal of paupers to any other State, or to any place beyond sea.

Removal of lunatic paupers.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 438 An Act in Addition to An Act relating to Joint Stock Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual certificate, when may be made.

SECT. 1. So much of the ninth section of the one hundred and thirty-third chapter of the statutes of the year one thousand eight hundred and fifty-one as requires the making of the certificate therein named in the month of January annually, is hereby so far modified that said certificate may be made at any time in each year, and said certificate shall contain the statements in said act required, as to the condition of said corporation on the first day of the month then next preceding the month in which such certificate is made.

Ch. 38, sec. 22, R. S., not applicable.

SECT. 2. None of the provisions of the twenty-second section of the thirty-eighth chapter of the Revised Statutes shall be applicable to corporations organized in accordance with the provisions of this act. [*Approved by the Governor, April 29, 1854.*]

Chap. 439 An Act in addition to the Acts for the Relief of Poor Debtors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Poor debtors, discharged in certain cases.

SECT. 1. Any poor debtor entitled to a discharge under the provisions of the ninety-eighth chapter of the Revised Statutes, or the one hundred and fifty-fourth chapter of the statutes passed in the year eighteen hundred and forty-four, shall, notwithstanding his inability to pay the legal fees prescribed for him to pay in said acts, receive his discharge: *provided*, he is able to satisfy the justices, before whom he is examined under oath, of his inability to pay said fees; in which case the said fees shall be chargeable to the county within which the discharge is granted, in like manner as the fees of justices in criminal cases are chargeable.

Proviso.

Act amended.

SECT. 2. The ninth section of the 154th chapter of the acts of eighteen hundred and forty-four, is so far amended, that if the debtor shall pay or tender to the plaintiff or his attorney, or lodge with the keeper of the prison in which said debtor is committed, the costs of the *scire facias* mentioned in said section, he shall be entitled to all the benefits of said act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act relating to Actions at Law.

Chap. 440

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The court before whom any action is brought, may, at any time during the return term of the writ, for good cause shown, and upon suitable terms, allow the plaintiff to file his declaration; and in all cases, the declaration may be filed upon the entry of the action, unless an arrest of the person is made; and no action shall be discontinued when the declaration is filed in accordance with the provisions of this act, notwithstanding the provisions of the eighth and ninth sections of the three hundred and twelfth chapter of the statutes of eighteen hundred and fifty-two.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 29, 1854.]

An Act to authorize the construction of a Railroad Track in the Town of Fall River. Chap. 441

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles W. Morgan, owner of a certain wharf in the town of Fall River, known as Morgan's Wharf, his successors and assigns, for the purpose of facilitating the transportation of merchandise to and from said wharf, is hereby authorized to construct and maintain a railroad track, commencing upon said wharf, and from thence extending, by a curved line, easterly and southerly, across a public street or highway known as Bowen or Davol Street, to, and to connect with the Fall River Railroad, at a point near the range of the southerly line of land connected with said wharf, and belonging to said Morgan.

SECT. 2. A good and sufficient crossing at said street or highway, for teams and carriages, shall be maintained by the said Morgan, as aforesaid; and in arranging the same, he shall be subject to such rules and requirements, as by the selectmen of the town of Fall River, may be deemed reasonable and necessary.

SECT. 3. The connection with the Fall River Railroad, shall be in such manner, and upon such terms, as may be mutually agreed upon by said Morgan, with the Fall River Railroad Company. [Approved by the Governor, April 29, 1854.]

Chap. 442

An Act to incorporate the Nantucket Cordage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. E. W. Gardner, W. C. Gardner, J. B. Swain, Andrew Whitney, their associates and successors, are hereby made a corporation, by the name of the Nantucket Cordage Company, for the purpose of manufacturing cordage, in the town of Nantucket; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, privileges, &c.

Real and personal estate, \$100,000.

No shares to be issued under par.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars, but the real estate shall not exceed fifty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

Chap. 443

An Act to unite the Malden Gas Light Company and the Medford Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Companies united.

SECT. 1. The Malden Gas Light Company and the Medford Gas Light Company are hereby authorized, at meetings called for that purpose, and by votes to which a majority in number and value of the stockholders in each company shall assent, to unite themselves as one corporation, under the name of the Malden and Medford Gas Light Company; and when such votes shall have been passed, they shall thereupon become one corporation, with the name aforesaid; and all the franchises, property, power and privileges, that may then be enjoyed by either, and all the restrictions, liabilities and obligations that may then belong to either, shall appertain to such united corporation, in the same manner as if the same had been contained in or required by an original charter.

Powers, duties, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act to incorporate the Broadway Railroad Company.

Chap. 444

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles J. F. Allen, Seth Adams, John P. Monks, their associates and successors, are hereby made a corporation, by the name of the Broadway Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from South Boston Point, so called, at the eastern extremity of Fourth Street, in the city of Boston, upon and over such streets and highways of said city, as may, from time to time, be fixed and determined, by vote of the mayor and aldermen thereof, and assented to, in writing, by the said railroad corporation, to a point near the intersection of Broadway and Turnpike Street, or other street, for the purpose of forming a junction with, and entering upon, the Dorchester Avenue Railroad Company, in said Boston: *provided*, that all tracks of said railroad shall be laid at such distances from the sidewalks, in said city, as the mayor and aldermen thereof shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience: and *provided, further*, that the written assent of said railroad corporation, to any vote or votes of the mayor and aldermen of said city, prescribing, from time to time, the routes of said road, shall be filed with the clerk of said city, and shall be taken and deemed locations thereof: and also *provided*, that, before the location or construction of any track in any street, the mayor and aldermen of said city shall give notice to the abutters thereon, by the publication of an order of notice from said mayor and aldermen, in one or more newspapers, published in the city of Boston, fourteen days, at least, before the hearing upon the location of any such tracks, that said abutters may show cause, if any there be, why said track should not be so located and constructed; and the said railroad corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property thereon, as they may think reasonable and expedient; and said corporation shall be subject to all the duties, restrictions and liabilities, and entitled to all the rights and privileges, prescribed by the forty-fourth chapter of the Revised Statutes.

Power to construct railway.

Location.

Proviso.

Notice to abutters.

SECT. 2. Said tracks or road shall be operated and used by said corporation, with horse-power only, and it shall not

Operated by horse-power only.

connect its track with any other railroad, on which other power is used. The mayor and aldermen of said city shall have power, at all times, to make all such regulations as to the rate of speed, and mode of use of said tracks, as the public convenience and safety may require.

Repairs, &c.

SECT. 3. Said corporation shall maintain and keep in repair, such portions of the streets, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of said tracks or roads; and in case any recovery shall be had against said city by reason of such defect, want of repair in, or use of, said tracks or roads, said corporation shall be liable to pay to said city, any sum thus recovered against it, together with all costs and reasonable expenditures incurred by said city, in the defence of any such suit or suits, in which such recovery shall be had; and said corporation shall not encumber any portion of the streets, not occupied by the said road or tracks.

Penalty for obstructing, &c.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation, in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine, not exceeding five hundred dollars, or may be imprisoned in the common jail, for a period not exceeding three months. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, said corporation shall be punished, by a fine not exceeding five hundred dollars.

Capital stock,
\$150,000,
in shares of
\$50 each.

SECT. 5. The capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall first be issued.

May hold real estate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate, within said city, as may be necessary or convenient for the purposes and management of said road.

City may purchase, &c.

SECT. 7. The said city of Boston may, at any time during the continuance of the charter of the said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase, of said corporation, all the franchise, property, rights and furniture, of said cor-

poration, by paying said railroad company therefor such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him, on the books of the corporation, deducting the dividends received by said stockholders thereon.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the mayor and aldermen of said city may, in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the mayor and aldermen of said city.

Grade and
gauge of road.

SECT. 9. At any time after the expiration of one year from the opening for use, of the tracks of said railroad in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the city of Boston may, by vote of the major part thereof, determine that the same, or any part thereof, may be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of the said railroad shall forthwith be taken up and removed, in conformity with such vote or order of said mayor and aldermen, provided that such taking up and removal shall be at the expense of said railroad corporation.

Location may
be revoked.

SECT. 10. Nothing in this act shall be construed to prevent the authorities of said city from taking up any of the public streets traversed by said railroads, for the purposes for which they may now lawfully take up the same.

Act not to pre-
vent authori-
ties, &c.

SECT. 11. This act shall be void, so far as relates to the right to construct said road in said city, unless the same shall be accepted by the city council of said city, and unless the same shall be accepted by the said corporation, and ten per cent. of the capital stock thereof be actually paid in within two years from the passage of this act.

Act to be void,
unless, &c.

SECT. 12. The said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, but not to other general provisions of law in relation to railroad corporations.

Returns.

SECT. 13. The existence of said corporation is hereby

Duration.

limited to the period of fifty years from the passage of this act.

Rates of fare.

SECT. 14. The rates of fare upon the said railroad, between any two points in the city of Boston, shall never exceed five cents for each passage, unless with the assent of the mayor and aldermen of the said city: *provided, nevertheless*, that the legislature may at any time repeal this act, or limit, restrict or annul, any powers herein granted. [*Approved by the Governor, April 29, 1854.*]

Chap. 445

An Act to incorporate the Boston and Chelsea Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Isaac Stebbins, John Low, Bradbury C. Bartlett, John Rice, Thomas Russell, their associates and successors, are hereby made a corporation, by the name of the Boston and Chelsea Railroad Company, with power to construct, maintain and use a railway or railways with convenient single or double tracks, between Boston, Charlestown and Chelsea, upon the following routes, viz.:—Beginning upon the Boston and Salem Turnpike, now called Broadway in Chelsea, at some convenient point within one thousand feet of the line dividing Chelsea from North Chelsea, thence upon and over said Broadway to Chelsea Bridge, thence upon and over said bridge, or upon and over lines adjoining either or both sides of said bridge as said corporation may see fit, across Mystic River to Charlestown, thence upon and over the extension of said Turnpike, and upon and over Turnpike and Chelsea Streets in Charlestown, to Charlestown Square in said city, thence upon and over said Square, to, upon and over Warren Avenue, leading therefrom to Warren Bridge, thence upon and over said bridge, across Charles River and Causeway Street, to Beverly Street in Boston, thence upon and over Beverly Street, to, over and upon Charlestown Street, to Haymarket Square in said Boston, thence from Haymarket Square, upon and over Charlestown and Causeway Streets in Boston, to Charles River Bridge, thence upon and over said bridge, to Charles or Main Street in Charlestown, thence over and upon said Charles or Main Street, in said city, to Charlestown Square, if the board of selectmen of Chelsea, and the mayor and aldermen of Boston and Charlestown, respectively, shall fix and determine the same within their respective limits. And said corporation

Power to construct railway.

Location.

Rates of fare.

shall have power to fix, from time to time, such rates of compensation for transporting persons or property, as they may think expedient, not exceeding five cents for each passenger, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and *provided*, Proviso. that at any time after the expiration of one year from the opening for use, of the tracks of said railroad in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the cities of Boston and Charlestown, and the selectmen of Chelsea, respectively, may, by the vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective cities or town, that the same, or any part thereof, be discontinued; and thereupon, the location shall be deemed to be revoked, and the tracks of said railroad shall, forthwith, be taken up and removed, in conformity with such vote or order of said mayor and aldermen or selectmen: *provided*, such taking up and removal shall be at the expense of said railroad company.

SECT. 2. The governor, by and with the advice and consent of the council, shall appoint three commissioners, Appointment and duty of commissioners. whose duty it shall be to fix and determine the location of said railroad upon said Charles River Bridge and Warren Bridge, or upon lines running parallel thereto, and the manner in which the same shall be built thereon, or upon lines running parallel thereto; and the construction of suitable draws in said bridges, and the manner in which the same shall be managed and opened for the passage of vessels, and the attendance upon the same; and in case tolls shall be demanded for the passage of persons or vehicles over said bridges, the said commissioners shall have power to fix and determine the amount which shall be paid by said corporation for such use of such bridges respectively; and in case the same shall be assented to by the corporation, the same shall be binding upon the Commonwealth and said corporation, so long as said bridges respectively, remain the property of the Commonwealth, unless the same shall be released, or some part thereof, by the legislature; and in case said corporation shall not accede to the rate of compensation as found by said commissioners, the supreme judicial court, upon petition of said commissioners or of said corporation, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix the rate

of compensation or toll; and the award of said commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until they shall have been rescinded or altered by commissioners so appointed as aforesaid; but no such revision or alteration shall be made by such commissioners, within one year after such decision and award shall have been made. The governor and council shall fix the compensation of the commissioners in this section mentioned, but the same shall be paid by said corporation.

Act void, in certain case. If any other railroad corporation shall obtain, from the mayor and aldermen of the city of Boston, and the mayor and aldermen of the city of Charlestown, and also from commissioners appointed by the governor, authority to lay a track upon any route, or street, or bridge between Charlestown Square, in said Charlestown, and Haymarket Square, in said Boston, before the like authority shall have been obtained by this corporation, then so much of this act as authorizes the corporation hereby created, to lay a track or tracks, in said street, or route, or bridge, shall become void; but this corporation may enter upon and use the track or tracks obtained by such corporation, upon such route, or street, or bridge, in such mode and upon such rates of compensation as may be agreed upon; or in case of disagreement, such mode or rates to be fixed by three commissioners, to be appointed by the supreme judicial court.

May use other tracks. No tracks laid before act accepted. SECT. 3. No railroad tracks shall be laid by said corporation in Chelsea, before the acceptance of this act by the board of selectmen thereof, nor in Charlestown, before the acceptance of the same by the city council thereof, nor upon Chelsea Bridge, or any structure attached thereto, before a mutual arrangement to that effect shall have been made with said Chelsea Bridge Corporation; and such tracks shall be constructed in such manner, and laid at such distances from the side-walks, on the streets through which said railroad may be located under this act, as said boards may, upon their acceptance of this act, respectively direct, so far as relates to said track in their several towns and cities:

Notice to abutters. *provided, however,* that before the location of this road by the board of selectmen of Chelsea, they shall give notice, in some newspaper printed in said town, to the abutters on the streets through which said railroad is proposed to be located in said town, fourteen days, at least, before the hearing; and that before the location of this road by the board of mayor and aldermen of Charlestown, they shall

give a like notice in some newspaper printed in said city, to the abutters on the streets through which said railroad is proposed to be located in said city; and that before the location of this road by the board of mayor and aldermen of Boston, they shall give a like notice in some newspaper printed in Boston, to the abutters on the streets through which said railroad is proposed to be located in said city, that the abutters may respectively show cause, if any there be, why said location should not be made as aforesaid. And the written assent of said corporation to any vote or votes of said selectmen of said town, or of the board of mayor and aldermen of either of said cities, shall be filed with the respective clerks of said town or city.

SECT. 4. Said tracks or roads shall be operated and used by said corporation with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The selectmen of said Chelsea, and the mayor and aldermen of said cities respectively, shall have power at all times, to make such regulations as to the rate of speed and mode of use, of so much of said tracks as may be located within their respective town or cities, as the public convenience and safety may require. If the corporation hereby authorized shall cross the Mystic River on lines adjoining either side of Chelsea Bridge, the corporation hereby created shall be subject to all the provisions of law requiring the proprietors of said bridge to make and maintain draws, and to open the same for the passage of vessels, and they shall be liable to all the penalties for neglect to comply with the provisions of law, in the same way in which the proprietors of said bridge are now liable.

Operated by
horse-power
only.

Corporation to
maintain draws
in certain cases

The corporation hereby created, may, at any time, purchase said bridge of the proprietors thereof, and also such portion of their turnpike as is within Chelsea and Charlestown. And said proprietors are hereby authorized to sell said bridge and also such portion of their turnpike, at such price as may be agreed upon, with all the rights, and subject to all the duties and liabilities appertaining to said proprietors. And in case of any disagreement between said corporation and the proprietors of said bridge, as to the mode in which this corporation shall cross said bridge, or as to the compensation to be made to said proprietors for such crossing, such mode of crossing and rate of compensation shall be fixed by three commissioners, to be appointed and paid as herein-before provided.

May purchase
bridge, &c.

Liability for
injuries.

SECT. 5. Said corporation shall maintain and keep in repair such portions of the streets in said cities and town as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of said tracks, road or bridges; and in case any recovery shall be had against either of said town or cities, or said Salem Turnpike and Chelsea Bridge Corporation, by reason of such defect or want of repair, said railroad corporation shall be liable to pay the said town, cities and bridge corporation respectively, any sums recovered against them, together with all costs and reasonable charges incurred by said town, cities or bridge corporation, or either of them, in the defence of any such suit or suits in which recovery shall be had; and shall not encumber any portion of the street or bridges not occupied by said road or tracks.

Penalty for ob-
structing, &c.

SECT. 6. If any person shall, wilfully and maliciously, obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation, or its agents or servants, shall, wilfully and maliciously, obstruct any highway, or the passing of any carriage over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock,
\$350,000, in
shares of \$50
each.

SECT. 7. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each; and no share shall be issued, for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

May hold real
estate.

SECT. 8. Said corporation shall have power to purchase and hold such real estate within said town and cities, or either of them, as may be convenient and necessary for the purposes and management of said road.

Town or cities
may purchase,
&c.

SECT. 9. The town of Chelsea and the cities of Boston and Charlestown may, at any time during the continuance of the charter of said corporation, and after ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person who may be then a stockholder therein, the par value of his stock, together

with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

SECT. 10. The said road shall be constructed and maintained, in such form and manner, and upon such grade, and with such gauge as the selectmen and the mayor and aldermen of said town and cities respectively, may, in their votes accepting this act, as herein provided, prescribe and direct, as to so much of said road as may be located in the public streets of their respective town and cities as aforesaid; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the selectmen and mayor and aldermen of said town and cities respectively, as aforesaid. Grade and gauge of road

SECT. 11. Nothing in this act contained, shall be construed to prevent the town and city authorities of either of said town and cities, or said bridge corporation, from entering upon and taking up any of the public streets or bridges traversed by said railroad, for any purpose for which they may now lawfully take up the same. Act not to prevent authorities, &c.

SECT. 12. This act shall be void, so far as it relates to the right to construct said road in the streets or roads of any city or town, unless the same shall be accepted by the city council of said city, or the selectmen of said town respectively, and unless the same shall be accepted by said company, and ten per cent. of the capital stock thereof paid in within two years from the passage of this act. Act to be void, unless accepted, &c.

SECT. 13. Said corporation shall be deemed a railroad corporation, so far as to make such annual returns to the legislature as are or may be prescribed by law, but not to the other general provisions of law in relation to railroad corporations. Returns.

SECT. 14. The existence of said corporation is hereby limited to the period of fifty years from the passage hereof: *provided*, nevertheless, that the legislature may, at any time, repeal this act, or limit and restrict the powers herein granted. Duration. Proviso. [Approved by the Governor, April 29, 1854.]

Chap. 446 An Act to incorporate the Western Avenue Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Amherst A. Frazar, George C. Crowninshield, J. C. Rogers, their associates and successors, are hereby made a corporation, by the name of the Western Avenue Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from such point or points, near the junction of Beacon and Charles Streets, in the city of Boston, as shall be, from time to time, fixed and determined by vote of the mayor and aldermen of said city, and assented to, in writing, by said company, and over the roads, estates, and bridges, belonging to, or maintained by, the Boston and Roxbury Mill Corporation, in Boston, Brookline and Brighton, as shall be, from time to time, fixed and determined by said corporation, by vote of its directors, and assented to, in writing, by said railroad company, and upon and over such streets, or highways, of the town of Brighton, as shall be, from time to time, fixed and determined by vote of the selectmen of said town, to a point near the Cattle Fair Hotel, and upon and over such streets, or highways, in the town of Brookline, on the line of said corporation, as shall be, from time to time, fixed and determined by vote of the selectmen of said town of Brookline, and assented to, in writing, by said railroad company.

Power to construct railway.

Location.

Tolls, &c.

And said railroad company shall pay to said Boston and Roxbury Mill Corporation during the continuance of its toll franchise, such compensation or tolls, for the right of using said roads, estates and bridges of said corporation, as may be mutually agreed upon; or if the said corporation and said company shall be unable to agree thereon, the supreme judicial court, upon the petition of either party, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix the said rate of compensation or tolls; and the award of said commissioners, or a major part of them, shall be binding upon the corporation and company aforesaid interested, until it shall have been revised or altered by commissioners so appointed as aforesaid, but no such revision or alteration shall be made by such commissioners within one year after such award shall have been made.

All tracks of said railroad shall be laid at such distances from the sidewalks in said city and towns, and over such portions of said roads and bridges of the Boston and Roxbury Mill Corporation, as the mayor and aldermen and the selectmen, of said city and towns, and the directors of said corporation shall, respectively, in their votes fixing the routes of said railroad, determine to be for the public safety and convenience.

Tracks, how laid.

And notice to the owners of lands and occupants of tenements abutting on any public road or streets on which it may be proposed to lay the tracks of said company, shall be given, by publishing in one or more newspapers in the city of Boston, and in the county of Norfolk, notice from the mayor and aldermen of said city and the selectmen of said towns, fourteen days, at least, prior to the location of any such railroad tracks.

Notice to abutters.

The written assent of said company to any vote or votes, of said mayor and aldermen, and said selectmen, and said directors, prescribing, from time to time, the routes of said railroad, shall be filed with the respective clerks of said city, and towns and corporations, and shall be deemed and taken to be locations thereof.

Assent to be filed.

And said railroad company shall have power to fix, from time to time, such rates of compensation for transporting persons or property, as its officers may think expedient: *provided, however*, the rate of fare upon said railroad, between any two points in the city of Boston, shall never exceed five cents for each passage, unless with the assent of the mayor and aldermen of said city.

Rates of fare.

And said railroad company shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said tracks shall be operated and used by said company, with horse-power only, and it shall not connect its track with any other railroad on which other power is used.

Operated by horse-power only.

The mayor and aldermen and the selectmen, of any city or town, over whose streets or roads said tracks shall be laid or maintained, shall respectively have power, at all times, to make such regulations as to the rate of speed, and mode of use of said tracks, over the said streets or roads, within their respective limits, as the public safety and convenience may require; and shall also have power, at any time after the expiration of one year from the opening for use of the tracks of said railroad, in any road or street in

Location may be revoked.

which the same may be located under this act, by a vote, to determine as to so much of said track as is located on their said respective roads or streets, within the limits of their respective cities and towns, that the same, or any part thereof, shall be discontinued, and thereupon the location shall be, as to such part, deemed to be revoked, and the tracks of said railroad thereon shall be forthwith taken up and removed, in conformity with such vote, or orders of said mayor and aldermen, or selectmen: *provided, however*, that such taking up and removal, shall be at the expense of said railroad company.

Proviso.

Roads, &c., to be kept in repair.

SECT. 3. Said corporation shall maintain and keep in repair, such portion of the streets, roads, estates and bridges, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents and servants, in the construction, management or use of said tracks, roads, estates or bridges; and in case any recovery shall be had against either of said cities or towns, or said Boston and Roxbury Mill Corporation, by reason of any defect or want of repair thereon, said railroad company shall be liable to pay to said cities, towns, and Boston and Roxbury Mill Corporation, respectively, any sums recovered against either of them, together with all costs and reasonable expenditures incurred by them, or either of them, in the defence of any suit or suits, in which recovery shall be had for such defect or want of repair, and said railroad company shall not encumber any portion of the streets, roads, estates or bridges, not occupied by its said railroad tracks.

Penalty for obstructing, &c.

SECT. 4. If any person shall, wilfully and maliciously, obstruct said company in the use of said road or tracks, or the passing of the cars or carriages of said company thereon, such person, and all who shall aid or abet therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail, for a period not exceeding three months.

If said company, or its agents or servants shall, wilfully and maliciously, obstruct any highway, or the passing of any carriages over the same, said company shall be punished by a fine not exceeding five hundred dollars.

Capital stock, \$300,000, in shares of \$100 each.

SECT. 5. The capital stock of said company shall not exceed three hundred thousand dollars; and shall be divided into shares of one hundred dollars each; and shares shall

not be issued for a less sum than one hundred dollars, actually paid in.

SECT. 6. Said company shall have power to purchase May hold real estate. and hold such real estate within said city or towns through which said railroad passes, or either of them, as may be convenient or necessary for the purposes and management of said road.

SECT. 7. The cities and towns on whose streets and roads said railroad shall run, may, at any time during the continuance of the charter of said company, and after the expiration of ten years from the opening of any part of said road for use, purchase of said company all the franchise, property, rights and furniture, of said company, by paying said company therefor such a sum as will reimburse, to each person who may then be a stockholder thereon, the par value of his stock, together with a net profit of ten per cent. per year, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon. Cities or towns may purchase, &c.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the mayor and aldermen of said city, and selectmen of said towns, and the directors of the Boston and Roxbury Mill Corporation, respectively may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said railroad company, it shall be necessary to alter the grade of any street or road so occupied by it, such alteration may be made at the sole expense of said company, provided the same shall be assented to by the mayor and aldermen of the city, and the selectmen of said towns, and the directors of the corporation to which each street or road may then belong. Grade and gauge of road.

SECT. 9. Nothing in this act shall be construed to prevent the city authorities, or town authorities, of any city or town, or said Boston and Roxbury Mill Corporation, from entering upon and taking up any of their streets, roads, or bridges, traversed by said railroad, for any purpose for which they may now lawfully take up the same. Act not to prevent authorities, &c.

SECT. 10. This act shall be void, so far as it relates to the right to construct said road in the streets or roads of any city or town, unless the same shall be accepted by the city council of said city, or the selectmen of said town, respectively, and unless the same shall be accepted by said Act void, unless accepted, &c.

company, and ten per cent. of the capital stock thereof, paid in, within two years from the passage of this act.

Returns.

SECT. 11. Said company shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are, or may be prescribed by law, but not to the other general provisions of law, in relation to railroad corporations.

Duration.

SECT. 12. The existence of said company is hereby limited to the period of fifty years from the passage of this act: *provided, nevertheless*, that the legislature may, at any time, repeal this act, or limit, restrict or annul, any powers herein granted. [*Approved by the Governor, April 29, 1854.*]

Proviso.

Chap. 447 An Act concerning the Boston and New York Central Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proceedings confirmed.

SECT. 1. The proceedings of the Norfolk County Railroad Company, the Midland Railroad Company, and the Southbridge and Blackstone Railroad Company, whereby, on the twelfth day of December, eighteen hundred and fifty-three, they united themselves into one corporation, under the name of the Boston and New York Central Railroad Company, in accordance with the provisions of chapter one hundred and fifty-eight, of the acts of the legislature of eighteen hundred and fifty-two, are hereby ratified and confirmed: *provided*, that nothing in this act shall impair the rights of any creditor of either of the said railroad companies.

Proviso.

Time for construction extended.

SECT. 2. The time within which the Boston and New York Central Railroad Company may construct that portion of their railroad which was originally incorporated as the Midland Railroad Company, is hereby extended one year from the time now allowed by law.

Further extension.

SECT. 3. The time within which the Boston and New York Central Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company, is hereby extended one year from the time now allowed by law.

Owners of land allowed, &c.

SECT. 4. Where said railroad corporations, or either of them, have, by their location, or otherwise, legally taken land or materials, for the purpose of making or securing their railroad, the owners shall have one year from the pas-

sage of this act, wherein to pursue the remedies provided in the thirty-ninth chapter of the Revised Statutes, notwithstanding that the period limited in said statute may have previously expired.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act to revise the Charter of the City of Boston.

Chap. 448

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the city of Boston, for all the purposes for which towns and cities are, by law, incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Boston, and as such, shall have, exercise and enjoy, all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to, said city, as a municipal corporation. Corporate powers.

SECT. 2. The administration of all the fiscal, prudential and municipal concerns of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor, one council of twelve persons, to be called the board of aldermen, and one council of forty-eight persons, to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and also in such other boards of officers as are herein-after specified. City government.

SECT. 3. It shall be the duty of the city council, and they are empowered, during the year one thousand eight hundred and sixty, and whenever thereafterwards they may deem it expedient, not oftener than once in ten years, to cause a new division of the city to be made into twelve wards, in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well-defined limits to each ward; and until such division be made, the boundary lines of the wards shall remain as now established. Division into twelve wards.

SECT. 4. The annual meeting of citizens for the election of municipal officers, herein-after mentioned, shall be held on the second Monday of December, and the citizens of said city, qualified to vote in city affairs, shall, for the purpose of such election, then meet together within the wards Annual meeting for the election of city officers.

in which they respectively reside, at such hour and place as the board of aldermen may, by their warrant, direct and appoint; and the person receiving the highest number of votes for any office, shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

Certificates of election to be furnished.

SECT. 5. Every person so chosen in any ward, shall, within forty-eight hours of his election, be furnished by the clerk with a certificate thereof, signed by the warden, clerk, and a majority of the inspectors, which certificate shall be presumptive evidence of the title of such person to the office therein mentioned.

Commencement of municipal year.

SECT. 6. The municipal officers to be chosen at the annual election, shall enter upon the duties of their respective offices on the first Monday of January.

Election of ward officers.

SECT. 7. The qualified voters of said city shall, at the annual meeting, choose, by ballot, one warden and one clerk, and five inspectors of elections for each ward, who shall be resident in said ward, and who shall hold their offices for one year, and until others shall be chosen and qualified in their stead.

Ward officers to be sworn.

SECT. 8. The ward officers mentioned in the preceding section, shall respectively make oath faithfully and impartially, to discharge their several duties, which oath may be administered by the clerk of such ward to the warden, and by the latter to the clerk and inspectors, or to all of said officers, by any justice of the peace for the county of Suffolk; and a certificate thereof shall be entered in the record to be kept by the clerk of the ward.

Non-election of ward officers

SECT. 9. In case of the non-election of any ward officer at the annual meeting, adjournments may be had for the purpose of effecting such election, in the same manner as is herein-after provided with regard to election of members of the common council.

Absence of ward officers.

SECT. 10. In case of the absence of any ward officer at any ward meeting, such officer may be chosen *pro tempore*, by hand vote, and shall have all the powers, and be subject to all the duties of the regular officer, at such meeting.

Power and duty of warden

SECT. 11. It shall be the duty of the warden to preside at all ward meetings, with the powers of moderators of town meetings. In case of his absence, the clerk, and in case of the absence of the clerk, any inspector, shall preside, ac-

ording to seniority, until a warden shall be chosen, as provided in the preceding section.

SECT. 12. It shall be the duty of the clerk to make a fair and true record, and to keep an exact journal of all the acts and votes of citizens at the ward meetings, and to deliver over such records and journals, together with other documents and papers held by him in his said capacity, to his successor in office. Duties of ward clerk.

SECT. 13. It shall be the duty of the warden and inspectors of each ward to receive, sort and count, and of the warden to declare, all votes at any election within such ward. Duties of warden and inspectors.

SECT. 14. It shall be the duty of all ward officers, authorized to preside and act at elections of city officers, to attend and perform their respective duties at the times and places appointed for elections of any officers, whether of the United States, state, city, or wards, and to make and sign the regular returns of the same. Duties of ward officers at all elections.

SECT. 15. The qualified voters of said city shall, at the annual meeting, be called upon to give in their votes for one able and discreet person, being an inhabitant of the city, to be mayor of said city for the term of one year. All the ballots, so given in in each ward, being sorted, counted and declared, shall be recorded at large by the clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively; such numbers to be expressed in words at length, and a transcript of such record, certified and authenticated by the warden, clerk, and a majority of the inspectors of elections, for each ward, shall forthwith be transmitted or delivered by such ward clerk to the clerk of the city. It shall be the duty of the city clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the board of aldermen, or some other book to be kept for that purpose. Election of mayor.

SECT. 16. The board of aldermen shall, as soon as conveniently may be, within three days of such election, meet together and examine all the said returns, and they shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear by said returns that no person has been elected, or if the person elected shall refuse to accept the office, the board Board of aldermen to examine returns of votes for mayor

shall issue their warrants for a new election, and the same proceedings shall be had as are provided in the preceding section for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.

Proceedings in case of no choice of mayor before the commencement of the municipal year

SECT. 17. Whenever, on examination by the board of aldermen of the returns of votes given for mayor, at the meetings of the wards holden for the purpose of electing that officer, last preceding the first Monday of January in each year, no person shall appear to be chosen, the board of aldermen, by whom such examination is made, shall make a record of that fact, an attested copy of which record it shall be the duty of the city clerk to produce and read, on the first Monday of January, in the presence of the members returned to serve as aldermen and common councilmen; and the oaths prescribed by law may be administered to the members elect. The members of the board of aldermen shall thereupon proceed to elect a chairman, and the common council a president, in their respective chambers; and being respectively organized, they shall proceed to business in the manner herein-after provided, in case of the absence of the mayor; and the board of aldermen shall forthwith issue their warrants for meetings of the citizens of the respective wards, for the choice of a mayor, at such time and place as they shall judge most convenient; and the same proceedings shall be had, in all respects, as are herein-before directed, and shall be repeated, from time to time, until a mayor shall be duly chosen.

Proceedings in case no mayor is chosen, or a full board of aldermen is not elected.

SECT. 18. Whenever it shall appear, by the regular returns of the elections of city officers, that a mayor has not been chosen, or that a full board of aldermen has not been elected, such of the board of aldermen, whether they constitute a quorum or not, as may have been chosen, shall issue their warrant in the usual form, for the election of a mayor, or such members of the board of aldermen as may be necessary, and the same proceedings shall be had and repeated, until the election of a mayor and aldermen shall be completed, and all vacancies shall be filled in the said board; and in case neither a mayor nor any alderman shall be elected at the usual time for electing the same, and after the powers of the former mayor and aldermen shall have ceased, it shall be the duty of the president of the common council to issue his warrant in the same manner as the board of aldermen would have done, if elected, and the same proceedings shall be had and repeated, until a mayor or one or more aldermen shall be elected.

SECT. 19. The qualified voters of said city shall, at the annual meeting, be called upon to give in their votes for twelve persons, being inhabitants of said city, to constitute the board of aldermen for the ensuing year, and all the votes so given, being sorted, counted and declared, by the warden and inspectors, shall be recorded at large by the clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots given in shall be particularly stated, together with the name of every person voted for, and the number of votes given for each person; and a transcript of such record, certified by the warden and clerk, and a majority of the inspectors of each ward, shall forthwith be transmitted to the city clerk; whereupon the same proceedings shall be had, to ascertain and determine the persons chosen as aldermen, as are hereinbefore directed in regard to the choice of mayor, and for a new election, in case of the whole number required not being chosen at the first election. And each alderman so chosen, shall be duly notified, in writing, of his election, by the mayor and aldermen for the time being.

Election of aldermen.

SECT. 20. The qualified voters of each ward shall, at the annual election, be called upon to give in their votes for four able and discreet men, being inhabitants of the ward, to be members of the common council for the ensuing year; and all the ballots so given in in each ward, being sorted, counted and declared, a public declaration of the result shall be made by the warden in open ward meeting; and a record of such proceedings shall be kept by the clerk in his journal, stating particularly the whole number of ballots given in, the number necessary to make a choice, the number actually given for each person, the whole to be written in words at length.

Election of common councilmen.

SECT. 21. In case four persons are not chosen at the first balloting in any ward, the meeting of such ward shall be adjourned by the presiding officer, for the purpose of filling such vacancies, to a period not less than twenty-four nor more than seventy-two hours distant from the hour when the polls were opened at the first balloting; the time of adjournment, within such limits, to be determined by the warden, with the consent of a majority of the inspectors who may be present when such adjournment is had; and such notice shall be given of the time of such adjournment, and the time the polls will be kept open, as the warden may direct; and at such adjourned meeting a balloting shall be opened for a number of common councilmen sufficient to

Proceedings in case there is no choice of common councilmen.

complete the number of four, which shall be conducted and its result be declared and recorded, in the same manner as before prescribed for the first balloting.

Same subject.

SECT. 22. In case there shall still be vacancies in the number of common councilmen in any ward, adjournments of the meetings of the citizens thereof, for the purpose of filling the same, shall continue to be had in the same manner, to periods not less than twenty-four nor more than seventy-two hours distant from each other, at all of which the balloting shall be conducted, and the result be declared and recorded, in the same manner as before prescribed, until the number of four shall be duly chosen. And at all such adjournments, the polls shall be kept open the same number of hours as were required by the original warrant.

Same subject.

SECT. 23. If at the close of the last legally adjourned meeting of any ward as aforesaid, preceding the first Monday in January, there shall still be vacancies in the number of common councilmen for any ward, no further adjournment shall be had; but a record of the fact, and of the number of such vacancies, shall be made by the clerk of the ward in his journal, signed therein by the warden, clerk, and a majority of the inspectors, an attested copy of which record shall forthwith be delivered by the clerk of the ward to the city clerk, who shall lay the same before the common council at their first meeting in January.

Board of aldermen, &c., to judge of elections.

SECT. 24. The board of aldermen, the common council, and the school committee, shall have authority to decide upon all questions relative to the qualifications, elections and returns, of their respective members.

Vacancies in city or ward offices.

SECT. 25. Whenever it shall appear to the board of aldermen, that there is a vacancy, by removal from the city, or by death, resignation or otherwise, in the board of aldermen, the common council, the school committee, or in any of the city and ward offices, it shall be the duty of said board to issue their warrant in due form, to fill all such vacancies in each and all of said boards and offices, at such time and place as they may deem advisable; and the same proceedings shall be had, and adjournments if necessary, within the same limits as are herein prescribed for the annual meeting for the election of common councilmen. But in case of vacancies in the common council and school committee, such warrant shall not be issued until the board of aldermen receive official information thereof.

Removal of city or ward officers from their wards.

SECT. 26. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after

their election out of their respective wards into any other wards of the city; but they shall not be so held after they take up their permanent residence out of the city.

SECT. 27. The mayor, aldermen, and common councilmen, on the first Monday of January, or before entering on the duties of their offices, shall respectively be sworn by taking the oath of allegiance and oath of office prescribed in the constitution of this Commonwealth, and an oath to support the constitution of the United States. And such oaths may be administered to the mayor elect by any one of the justices of the supreme judicial court, or any judge of any court of record commissioned to hold any such court within the said city, or by any justice of the peace for the county of Suffolk. And such oaths shall be administered to the aldermen and members of the common council by the mayor, being himself first sworn as aforesaid, or by either of the persons authorized to administer said oath to the mayor; and a certificate of such oaths having been taken shall be entered in the journal of the mayor and aldermen and of the common council, respectively, by their respective clerks. Organization of city council.
Oath of office.

SECT. 28. In case of the unavoidable absence on account of sickness, or otherwise, of the mayor elect, on the first Monday in January, the city government shall organize itself in the mode herein-before provided in cases wherein no person shall have been elected mayor at the meeting last preceding the first Monday in January, and may proceed to business in the same manner as if the mayor were present. Absence of mayor elect.

SECT. 29. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who shall preside at all meetings of the board and at conventions of the two branches in the absence of the mayor; and in case of any vacancy in the office of mayor for any cause, he shall exercise all the powers and perform all the duties of the office as long as such vacancy shall continue. But he shall continue to have a vote in the board, and shall not have the veto power. Aldermen to choose a permanent chairman.

SECT. 30. The mayor, aldermen and common council, in convention, in the month of January, shall choose a clerk for the term of one year, and until another person is duly chosen and qualified in his stead, who shall be sworn to the faithful discharge of the duties of his office, and shall be removable at the pleasure of the board of aldermen, the City clerk.

mayor thereto consenting. He shall be denominated the city clerk, and it shall be his duty to keep a journal of the acts and proceedings of the board of aldermen, to sign all warrants issued by them, and to do such other acts in his said capacity as may lawfully and reasonably be required of him; and to deliver over all journals, books, papers and documents, intrusted to him as such clerk to his successor in office immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereunto required by the aldermen. The city clerk thus chosen and qualified shall continue to have all the powers and perform all the duties now by law belonging to him.

Vacancy in
office of city
clerk.

SECT. 31. In case of a vacancy in the office of city clerk from any cause, the same shall be filled in the manner provided in the preceding section.

Absence of
city clerk.

SECT. 32. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*.

Powers and
duties of mayor
and aldermen.

SECT. 33. The administration of police, together with the executive powers of the said corporation generally, and all the powers formerly vested in the selectmen of the town of Boston, either by the general laws of this Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes, or by-laws of said town, and all the powers subsequently vested in the mayor and aldermen of said city, as county commissioners or otherwise, shall be and hereby are vested in the board of aldermen as hereby constituted, as fully and amply as if the same were herein specially enumerated. A majority of the members of the board shall constitute a quorum for the transaction of business. Their meetings shall be public, and the mayor, if present, shall preside, but without a vote.

Common council a separate
body.

SECT. 34. The persons so chosen and qualified, as members of the common council of the said city, shall sit and act together as a separate body, distinct from that of the board of aldermen, except in those cases in which the two bodies are to meet in convention; and the said council shall have power, from time to time, to choose one of their own members to preside over their deliberations, and to preserve order therein, and also to choose a clerk, who shall be under oath faithfully to discharge the duties of his office, who shall hold such office during the pleasure of said council, and whose duty it shall be to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other services in said

President.
Clerk.

capacity as said council may require. All sittings of the common council shall be public; and twenty-five members shall constitute a quorum for the transaction of business.

Sittings to be public.

Quorum.

SECT. 35. All other powers heretofore by law vested in the town of Boston, or in the inhabitants thereof, as a municipal corporation, or in the city council of the city of Boston, shall be and hereby are continued to be vested in the mayor, aldermen and common council of the said city, to be exercised by concurrent vote, each board, as hereby constituted, having a negative upon the proceedings of the other, and the mayor having a veto power, as herein-after provided. More especially they shall have power to make all such needful and salutary by-laws or ordinances, not inconsistent with the laws of this Commonwealth, as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties not exceeding fifty dollars for the breach thereof, which by-laws and ordinances shall take effect and be in force from and after the time therein respectively limited, without the sanction or confirmation of any court or other authority whatsoever.

Powers of city council.

By-laws.

SECT. 36. The city council shall also have power, from time to time, to lay and assess taxes for all purposes for which towns are by law required or authorized to assess and grant money, and also for all purposes for which county taxes may be levied and assessed, so long as other towns in the county shall not be liable to taxation for county purposes. But in the assessment and apportionment of all such taxes upon the polls and estates of all persons liable to contribute thereto, the same rules and regulations shall be observed as are now established by the laws of this Commonwealth, or may be hereafter enacted, relative to the assessment and apportionment of town taxes.

Assessment of taxes.

SECT. 37. The said city council shall also have power to provide for the assessment and collection of such taxes, and to make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to insure a just and prompt account thereof; and for these purposes, may either elect such assessors and assistant assessors as may be needful, or provide for the appointment or election of the same, or any of them, by the mayor and aldermen, or by the citizens, as in their judgment may be most conducive to the public good; and may also require of all persons intrusted with the collection, custody, or disbursement of public moneys, such bonds, with such conditions and such sureties, as the case may in their judgment require.

Collection of taxes.

Assessors to be chosen.

Bonds, &c., may be required.

City council may provide for the appointment of city officers.

Register of deeds.

Care and custody of city property.

Power to purchase property

Board of health

Surveyors of highways.

City treasurer.

Members of city council ineligible to other offices.

SECT. 38. The city council may provide for the appointment, or election of all necessary officers, for the good government of said city, not otherwise provided for, and may prescribe their duties, and fix their compensation, and may choose a register of deeds whenever the city shall be one county.

SECT. 39. The city council shall have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, except the Common and Faneuil Hall. And the said city council shall have power to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it.

SECT. 40. All the power and authority now by law vested in the city council, or in the board of mayor and aldermen, relative to the public health, and the quarantine of vessels, shall continue to be vested in the city council, to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort, and order of the city may, in their judgment, require, subject to such alterations as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation; and the city council may constitute either branch, or any committee of their number, whether joint or separate, the board of health for all or for particular purposes.

SECT. 41. The board of aldermen shall be surveyors of highways for said city.

SECT. 42. The city council shall, in the month of May, meet together in convention, and elect a suitable person to be the treasurer of said city, who shall also be county treasurer, and who shall hold his office until his successor is chosen and qualified in his stead.

SECT. 43. No person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member of either the board of aldermen or the common council; and neither the mayor, or any alderman, or member of the common council, shall, at the same time, hold any office of emolument under the city government.

SECT. 44. In the month of October in each year, the city government shall meet in convention, and determine the number of representatives which it may be expedient for the corporation to send to the general court in the ensuing year, within its constitutional limits, and to publish such determination, which shall be conclusive; and the number thus determined shall be specified in the warrant calling a meeting for the election of representatives.

Representatives to general court.

SECT. 45. The mayor of the city, chosen and qualified as herein-before provided, shall be taken and deemed to be the chief executive officer of said corporation; and he shall be compensated for his services by a salary, to be fixed by the board of aldermen and common council in convention assembled, payable at stated periods, which salary shall not exceed the sum of five thousand dollars annually; and he shall receive no other compensation or emoluments whatever; and no regulations enlarging or diminishing such compensation shall be made, to take effect until the expiration of the year for which the mayor then in office shall have been elected; and said salary, when fixed, shall continue until changed by the city council, as aforesaid.

Compensation of mayor.

SECT. 46. It shall be the duty of the mayor to be vigilant and active, at all times, in causing the laws for the government of said city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished. - He shall have power, whenever in his judgment the good of said city may require it, to summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards may stand adjourned to a more distant day, and shall cause suitable notice in writing, of such meetings, to be given to the respective members of said boards. And he shall, from time to time, communicate to both branches of the city council, all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the said city.

His powers and duties.

SECT. 47. Every ordinance, order, resolution, or vote, to which the concurrence of the board of aldermen and of the common council may be necessary, (except on a question of convention of the two branches,) and every order of either branch involving the expenditure of money, shall be presented to the mayor; if he approve thereof, he shall signify

Veto power the mayor.

his approbation by signing the same; but if not, he shall return the same, with his objections, to the branch in which it originated, who shall enter the objections of the mayor at large on their records, and proceed to reconsider said ordinance, order, resolution, or vote; and if, after such reconsideration, two-thirds of the board of aldermen or common council, notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the city council, (if it originally required concurrent action,) where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall be in force; but in all cases the vote shall be determined by yeas and nays, and if such ordinance, order, resolution, or vote, shall not be returned by the mayor within ten days after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council, in convention, or by concurrent action, unless expressly so provided therein.

Same subject.

SECT. 48. In all cases where any thing is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution, or vote, of said board shall be presented to the mayor for his approval, and the same proceedings shall be had as are provided in the preceding section.

Mayor to appoint officers by consent of aldermen.

SECT. 49. In all cases wherein appointments to office are directed to be made by the mayor and aldermen, they shall be made by the mayor, by and with the advice and consent of the aldermen; and such officers may be removed by the mayor.

Power of removal.

Vacancy in the office of mayor.

SECT. 50. In case of the decease, inability, absence, or resignation of the mayor, and whenever there is a vacancy in the office from any cause, and the same being declared, and a vote passed by the aldermen and common council respectively, declaring such cause, and the expediency of electing a mayor for the time being to supply the vacancy thus occasioned, the board of aldermen shall issue their warrants in due form, for the election of a mayor, and the same proceedings shall be had as are herein-before provided for the choice of a mayor.

Accountability of all boards and officers for public money.

SECT. 51. All boards and officers acting under the authority of the said corporation, and intrusted with the expenditure of public money, shall be accountable therefor to the city council, in such manner as they may direct, and

it shall be the duty of the city council to publish and distribute annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys, and a particular statement of all city property.

Annual financial statement.

SECT. 52. The qualified voters of each ward shall, at the annual meeting, be called upon to give in their votes for one able and discreet person, being an inhabitant of the ward, to be an overseer of the poor; and thereupon the same proceedings shall be had as are before directed in the election of members of the common council. And the persons thus chosen shall, together, constitute the board of overseers for said city, and shall continue to have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor of the city of Boston, until the same shall be altered or qualified by the legislature.

Election of overseers of the poor.

Their powers and duties.

SECT. 53. The school committee shall consist of the mayor of the city; the president of the common council, and the persons herein-after mentioned. A majority of the persons duly elected shall constitute a quorum for the transaction of business; and at all meetings of the board, the mayor, if present, shall preside.

The school committee.

SECT. 54. At the annual election next after the passage of this act, the qualified voters of each ward shall be called upon to give in their ballots for six inhabitants of the ward, to be members of the school committee; and the two persons who receive the highest number of votes, or in case more than two receive an equal number of votes, the two persons who are senior by age shall hold their office for three years from the second Monday in January next ensuing, and the next two persons who receive the highest number of votes, or who are senior by age in the contingency aforesaid, shall hold their office for two years from said date, and the two other persons shall hold their office for one year, from said date; and at every subsequent annual election, two persons shall be chosen in each ward, to be members of the school committee for the term of three years.

Same subject.

SECT. 55. The persons so chosen as members of the school committee shall meet and organize on the second Monday of January, at such hour as the mayor may appoint. They may choose a secretary, and such subordinate officers as they may deem expedient, and shall define their duties, and fix their respective salaries.

Organization of school committee.

Secretary and subordinate officers.

Powers and duties of school committee.

SECT. 56. The said committee shall have the care and management of the public schools, and may elect all such instructors as they may deem proper, and remove the same whenever they consider it expedient. And generally, they shall have all the powers in relation to the care and management of the public schools, which the selectmen of towns, or school committees, are authorized by the laws of this Commonwealth to exercise.

Qualifications of voters at municipal elections, &c.

SECT. 57. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the Commonwealth one year, and within the city six months next preceding any meeting of citizens, either in wards or in general meeting, for municipal purposes, and who shall have paid by himself, or his parent, master or guardian, any state or county tax, which, within two years next preceding such meeting, shall have been assessed upon him, in any town or district in this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote at such meeting, and no other person shall be entitled to vote at such meeting.

Mayor and aldermen to make lists of voters prior to every election.

SECT. 58. It shall be the duty of the board of aldermen, prior to every election of city officers, or of any officer or officers under the government of the United States or of this Commonwealth, to make out lists of all the citizens of each ward qualified to vote in such election, in the manner in which selectmen and assessors of towns are required to make out similar lists of voters, and for that purpose they shall have free access to the assessors' books and lists, and shall be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of said city. And it shall be the duty of said board of aldermen to deliver such list of the voters in each ward, so prepared and corrected, to the clerk of said ward, to be used by the warden and inspectors thereof, at such election; and no person shall be entitled to vote at such election whose name is not borne

Inspectors to allow no one to vote whose name is not on the list.

on such list. And to prevent all frauds and mistakes in such elections, it shall be the duty of the inspectors in each ward to take care that no person shall vote at such election whose name is not so borne on the list of voters, and to cause a mark to be placed against the name of each voter on such list, at the time of giving in his vote. And the city council shall have authority to establish such rules and regulations, as to making out, publishing, and using such lists

of qualified voters, as they shall deem proper, not inconsistent with the constitution and laws of the Commonwealth.

SECT. 59. All elections for governor, lieutenant-governor, senators, representatives, representatives to congress, and all other officers, who are to be chosen and voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in being collected, sorted, counted and declared, by the inspectors of elections in each ward, it shall be the duty of the clerk of such ward to make a true record of the same, specifying therein the whole number of ballots given in, the name of each person voted for, and the number of votes for each, expressed in words at length. And a transcript of such record, certified by the warden, clerk, and a majority of the inspectors of elections in such ward, shall forthwith be transmitted or delivered by each ward clerk to the clerk of the city. And it shall be the duty of the city clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, in the journals of the proceedings of the board of aldermen, or in some other book kept for that purpose. And it shall be the duty of the board of aldermen to meet together within two days after every such election, and examine and compare all the said returns, and thereupon to make out a certificate of the result of such election, to be signed by a majority of the aldermen, and also by the city clerk, which shall be transmitted, delivered or returned, in the same manner as similar returns are by law directed to be made by the selectmen of towns; and such certificates and returns shall have the same force and effect, in all respects, as like returns of similar elections made by the selectmen of towns. At the election of governor, lieutenant-governor, and senators, it shall be the duty of the board of aldermen to make and seal up separate lists of persons voted for as governor, lieutenant-governor, and senators of the Commonwealth, with the number of votes for each person, written in words at length against his name, and to transmit said lists to the secretary of the Commonwealth, or to the sheriff of the county. The board of aldermen shall, within three days next after the day of any election of electors of president and vice-president of the United States, held by virtue of the laws of this Commonwealth, or of the United States, deliver, or cause to be delivered, the lists of votes therefor, sealed up, to the sheriff

Elections of national and state officers.

Examination and return of votes.

Certificate.

Separate lists of votes for governor, &c., to be transmitted to the secretary, or to sheriffs.

Votes for electors of president, &c., how and when to be transmitted to the secretary.

of the county, and the said sheriff shall, within four days after receiving said lists, transmit the same to the office of the secretary of the Commonwealth; or the said aldermen may, and when the office of sheriff is vacant, they shall themselves, transmit the said lists to the said office within seven days after the election; and all votes not so transmitted shall be rejected. In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen according to law, by the votes legally returned, the board of aldermen shall forthwith issue their warrants for a new election, agreeably to the constitution and laws of this Commonwealth, and the same proceedings shall be had, in all respects, as are hereinbefore directed; and in case of no choice being made of representatives to congress, in either district, of which the city of Boston composes a part, or in case of any vacancy happening in said districts, or either of them, the governor shall cause precepts for new elections to be directed to the board of aldermen of said city, as often as occasion shall require; and such new elections shall be held, and all proceedings thereon had, and returns made, in conformity with the foregoing provisions.

Proceedings in case representatives are not chosen.

Proceedings in case of no election of representatives to congress.

General meetings of the citizens.

SECT. 60. General meetings of the citizens qualified to vote in city affairs may from time to time be held, to consult upon the common good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings shall and may be duly warned by the board of aldermen, upon the requisition of fifty qualified voters of said city. The mayor, if present, shall preside, and the city clerk shall act as the clerk of such meetings.

Warrants for meetings to be issued by the mayor and aldermen.

SECT. 61. All warrants for the meetings of the citizens for municipal purposes, to be had either in general meetings or in wards, shall be issued by the board of aldermen, and in such form, and shall be served, executed and returned, at such time and in such manner, as the city council may, by any by-law or ordinance, direct and appoint.

Power of the legislature to alter the charter.

SECT. 62. Nothing in this act contained shall be so construed as to restrain or prevent the legislature from amending or altering the same whenever they shall deem it expedient.

Repeal of first charter.
Proviso.

SECT. 63. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any

right accruing or accrued, or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect. And that no offence committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such appeal shall take effect, shall be affected by the repeal. And that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, that all persons who, at the time when the said repeal shall take effect, shall hold any office under the said acts, shall continue to hold the same according to the tenure thereof; and *provided, also*, that all the by-laws and ordinances of the city of Boston, which shall be in force at the time when the said repeal shall take effect, shall continue in force until the same are repealed by the city council, and all officers elected under such by-laws and ordinances, shall continue in office according to the tenure thereof.

SECT. 64. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section. Repeal not to revive other acts.

SECT. 65. This act shall be void, unless the inhabitants of the city of Boston, at a legal meeting called for that purpose, by a written vote determine to adopt the same; and the qualified voters of the city shall be called upon to give in their votes upon the acceptance of this act, at meetings in the various wards duly warned by the mayor and aldermen, to be held on or before the second Monday of November; and thereupon, the same proceedings shall be had respecting the sorting, counting, declaring, recording and returns of said votes, as is herein provided at the election of mayor; and the board of mayor and aldermen shall, within three days, meet together and compare the returns of the ward officers; and if it appear that the citizens have voted to adopt this act, the mayor shall make proclamation of the fact, and thereupon, the act shall take effect for the purpose of electing municipal officers at the next annual election, and for all other purposes it shall take effect on and after the first Monday of January next. [*Approved by the Governor, April 29, 1854.*] Act to be submitted to the citizens.

Chap. 449 An Act in addition to An Act to revise the Charter of the City of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Choice of aldermen.

SECT. 1. The qualified voters of each ward shall, at the annual election, be called upon to give in their votes for one able and discreet man, being an inhabitant of the ward, to be a member of the board of aldermen for the ensuing year ; and all the ballots so given in, in each ward, being sorted, counted and declared, a public declaration of the result shall be made by the warden in open meeting, and a record of such proceedings shall be kept by the clerk, in his journal, stating particularly the whole number of ballots given in, and the number actually given in for each person, the whole to be written in words at length. In case no person is chosen at the first ballot at the said meeting, adjournments shall be had for the purpose of effecting such election, in the same manner as is herein-after provided with regard to the election of members of the common council.

Clerk to keep record of proceedings.

Act to be accepted, &c.

SECT. 2. This act shall be submitted to the inhabitants of the city of Boston, for their acceptance or rejection, at the same time and in the same manner with the act to which it is in addition ; and if both of the said acts shall be accepted by the said inhabitants, the first section of this act shall be substituted for, and take the place of, section nineteen in said first mentioned act, which provides for the election of aldermen. [*Approved by the Governor, April 29, 1854.*]

Chap. 450 An Act concerning the Possession and Use of Billiards, Bowls, and other like implements, for other purposes than Gaming.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cards, &c., for amusement only, not unlawful.

SECT. 1. The possession by innholders or others, and the use by any person, of cards, billiards, bowls, quoits and other like implements, for amusement merely, or for any other purpose than gaming for money or other property, shall not be deemed to be unlawful, unless the same are used on the Lord's day.

Act of 1853, ch. 399, repealed.

SECT. 2. The three hundred and ninety-ninth chapter of the laws of the year one thousand eight hundred and fifty-three are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act relating to the Charles River Bridge and the Warren Bridge. *Chap. 451*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. For the purpose of raising a fund for the re-
building of the Charles River Bridge, and the repairing of
the Warren Bridge ; and for the further purpose of raising
a fund sufficient to repair, and keep in repair said bridges
as free public avenues, there shall be, from and after the
first day of June next, levied and collected upon the said
bridges the same rates of toll as the Hancock Free Bridge
Corporation is now entitled to receive under the provisions
of chapter two hundred fifty-seven of the laws passed in
the year eighteen hundred and fifty. And said tolls shall
be levied upon said bridges until a sum shall be collected
thereby sufficient to rebuild said Charles River Bridge, to
repair the Warren Bridge, and to leave in the treasury of
the Commonwealth a fund of one hundred thousand dollars,
which fund, with all accumulations thereof, shall be applied
to the future maintenance and repair of said bridges.

Tolls estab-
lished.

SECT. 2. The governor, with the advice and consent of
the council, is hereby authorized to appoint an agent to re-
build the Charles River Bridge, and repair the Warren
Bridge, in such manner as shall be prescribed by three
commissioners, one of them shall be the mayor of the city
of Charlestown, to be appointed by the governor, with the
advice and consent of the council, as soon as may be consist-
ent with good economy. And said agent shall appoint toll-
gatherers and other suitable persons to collect and receive
said tolls, and to do all other necessary things in regard to
said bridges. And said agent shall be responsible for the
competency and integrity of all persons so appointed by
him. And said agent shall render to the governor and council,
under oath, a quarterly account of all receipts and expen-
ditures on account of said bridges, and shall pay over to the
treasurer of the Commonwealth, on the first day of each
month, all money received for tolls on said bridges. And
said agent shall, on the second Wednesday of January, in
each year, make a report to the legislature, of his doings
as such agent, to which report shall be added an account
of all his receipts and expenditures during the year pre-

Governor to
appoint agent
and commis-
sioners.

General duties
of agent.

ceding. The agent so appointed, shall hold his office subject to removal by the governor and council.

Governor may
draw warrant.

SECT. 3. The governor is hereby authorized to draw his warrant on the treasury in favor of the agent aforesaid, from time to time, for such sums as may be needed to carry on the work of rebuilding, or repairing said bridges, or either of them, or defraying any proper expense incidental thereto. And such sums shall be paid out of the money so paid into the treasury, as aforesaid; which money shall be kept and held by the treasurer of the Commonwealth, as a separate fund: *provided, however*, that the governor may draw by his warrant, sums not exceeding, in the aggregate, ten thousand dollars, from the treasury, for the purposes aforesaid, to be paid out of the ordinary funds of the treasury. And if said sum of ten thousand dollars, or any part thereof, shall be so drawn, the amount thereof and interest thereon, shall be repaid into the ordinary funds of the treasury out of the fund arising from said tolls as soon as may be done consistently with the prosecution of the work of rebuilding or repairing said bridges.

Proviso.

Agent to give
bond.

SECT. 4. The governor, with the advice and consent of the council, shall demand and receive from said agent a bond, with sureties in such sum as they shall deem sufficient, for the faithful performance of his duties, in the discharge of his office, and shall also fix the compensation to be allowed to said agent, out of said tolls, which compensation shall be paid to said agent quarterly, so long as he shall remain in said office. And if said agent shall be retained, or any other agent appointed, after the rebuilding of the Charles River Bridge, and the repairing of the Warren Bridge, the compensation to be thereafter paid, shall be directly proportionate to the service performed, the then agent being also hereby required to make quarterly returns, under oath, of said service, and of money expended therein, to the governor and council.

Compensation
of agent.

Compensation
of commission-
ers.

SECT. 5. The governor and council shall determine the compensation to be paid to the commissioners aforesaid, out of said tolls, which compensation shall be strictly proportionate to the service performed by them, and each of them. And the governor is hereby authorized to draw his warrant for the same. Said commissioners are hereby required to make, to the governor and council, quarterly reports of the progress of the work of rebuilding the Charles River Bridge, and the repairing of Warren Bridge; also to make quarterly returns of the time actually spent in the performance of duty under their commission.

SECT. 6. When the fund aforesaid shall have accumulated to the amount of one hundred thousand dollars more than is needed for the rebuilding of the Charles River Bridge, and the repairing of the Warren Bridge, the treasurer of the Commonwealth shall give notice thereof to the governor, who thereupon, shall publicly declare said bridges free from toll.

Bridges, when to be declared free.

SECT. 7. The city of Boston shall keep in repair all that part of Warren Bridge connected with the water-works of said city, and shall be liable for any damage arising from any defect in, or accident to, said works.

City to keep part of bridge in repair.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

An Act to complete the Enlargement of the State House.

Chap. 452

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The sum of one hundred thousand dollars is hereby appropriated, for the purpose of completing the enlargement of the State House, according to the provisions of the one hundred and ninety-first chapter of the acts of the year one thousand eight hundred and fifty-three, and for the necessary apparatus for heating the same.

\$100,000 appropriated.

SECT. 2. The treasurer is hereby authorized, under the direction of the governor, by and with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, to such an amount, not exceeding one hundred thousand dollars, as may be necessary for the purpose aforesaid, redeemable in twenty years from the date thereof, and bearing interest at the rate of five per cent. per annum, payable semi-annually; and all such scrip shall be countersigned by the governor, and the faith of the Commonwealth is hereby pledged for the redemption of the same; and the treasurer may, under the direction of the governor, with the advice and consent of the council, dispose of any portion of said scrip, at any price not less than the original par value thereof.

Treasurer to issue scrip.

SECT. 3. The treasurer, under the direction of the governor, by and with the advice and consent of the council, may borrow, in anticipation of the scrip, as herein-before authorized, of any of the banks of this Commonwealth, or of any corporations or individuals, such sums as may be necessary for the purposes of this act: *provided*, that the

Treasurer may borrow money.

whole amount borrowed by authority hereof, shall not exceed the said sum of one hundred thousand dollars.

Commissioners
may remove
entrances, &c.

SECT. 4. The commissioners heretofore, or who may hereafter be appointed, under the provisions of the act relating to the enlargement of the State House, approved the twenty-seventh day of April, in the year one thousand eight hundred and fifty-three, in conjunction with the committee on public buildings of the present House of Representatives, are hereby authorized, at their discretion, to remove the present entrances on the east and west ends of the State House, and to make such alterations on the lower floor of the State House, consequent upon such removal, as they may judge expedient; and to defray the expense of such removal and alterations, the governor is hereby authorized to draw his warrant on the treasury.

May appropriate
apartments

SECT. 5. The said commissioners and the said committee, are hereby authorized, to determine and adjudge to what uses the several apartments in the said new structure shall be put, and are hereby required to file a certificate of their doings in the premises, in the office of the secretary of State, before the said apartments shall be occupied: *provided, however*, that all the doings of the said commissioners, and said committee, as provided in this, and the third section of this act, shall be subject to the approval of the governor and council. [*Approved by the Governor, April 29, 1854.*]

Chap. 453

An Act concerning Insurance Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Powers and
duties of insu-
rance compa-
nies.

SECT. 1. All insurance companies that have been, or may hereafter be, incorporated in this Commonwealth, may exercise the powers, and shall be subject to the duties and liabilities provided in this act, and in the forty-fourth chapter of the Revised Statutes, so far as may be consistent with the provisions of their respective charters.

First meeting,
how called.

SECT. 2. The first meeting of any insurance company shall be called by a notice signed by one or more of the persons named in the act of incorporation, setting forth the time, place, and purposes of the meeting; and such notice shall, seven days, at least, before the meeting, be delivered to each member, or published in some newspaper of the county in which the company may be established, or, if there be no

newspaper in the county then in some newspaper of an adjoining county. Special meetings may be called by the directors whenever they think proper, and shall be called by them upon the written application of the owners of one-fifth of the capital stock, or of twenty stockholders, or members of the company, setting forth the purposes of the meeting. Special meetings.

SECT. 3. Every company shall annually choose, by ballot, from the stockholders or members of the company resident in this Commonwealth, not less than five directors, to hold their office one year, and until others are chosen and qualified in their stead. Proxies may be authorized in writing, each share being entitled to one vote; but no stockholder, or member of the company, shall have more than thirty votes. Directors chosen annually.

SECT. 4. The directors shall, annually, by ballot, choose a president and secretary and other officers provided for by the by-laws, and the president shall be chosen from the board of directors. These officers shall be sworn to the faithful discharge of their duties. The secretary shall keep a true record of the votes of the company and of the directors; a true list of stockholders, and the number of shares owned by each one; a record of the transfer of shares; a record of all policies issued by the company; and all assignments of policies assented to. The secretary and treasurer shall also give bond, with sureties, in such sum as the directors shall order, with condition faithfully to perform the duties of their office, and to account for all moneys received by them. Not less than four directors shall constitute a quorum, and all questions shall be decided by a majority of those present. Vacancies in any office may be filled by a new election, at a meeting called for that purpose. Directors to choose president and secretary. Secretary to keep record of votes. Secretary and treasurer to give bond. Quorum.

SECT. 5. The capital stock shall be paid in within twelve months from the date of the charter, unless otherwise specially provided for in the act of incorporation, and shall be invested in the stocks of the United States, of this Commonwealth, or of any city or town thereof, or in the stocks of any bank or railroad in this Commonwealth, or other corporation, whose property consists entirely of real estate, or in bonds of railroad companies in this Commonwealth; or may be loaned on mortgages of real estate, pledges of any of the stocks or bonds named in this section, on bottomry or respondentia: *provided*, that not more than one-third of the capital stock of any insurance company shall be invested in the stocks or bonds of any one railroad company or bank, and not more than one-half of the capital stock shall be Capital, when paid in and how invested. Proviso.

invested in the stocks of railroad companies, nor more than three-fourths in bank stocks, nor more than two-thirds shall be loaned on mortgages of real estate, bottomry or respondentia; and the sum loaned on any one bottom shall not exceed one-tenth of the capital stock of said insurance company; and if any investment or loan be made in any manner not authorized by the provisions of this law, the directors making or authorizing such investment or loan shall be personally liable to the stockholders for any loss occasioned thereby. Nothing contained in this act shall compel any insurance company, already chartered and doing business, to change any investment which has been made in conformity to the provisions of law existing at the time said investment was made.

Not to deal in goods, &c.

SECT. 6. No company shall deal or trade in buying or selling goods, wares, merchandise, stocks or other property, excepting such articles as may have been insured, and are claimed to be damaged by fire or water.

Risks to be taken.

SECT. 7. Companies thus organized may insure vessels, freight, money, goods, effects; money lent upon bottomry and respondentia; against the perils of the sea and other perils usually insured against by marine insurance; dwelling-houses and other buildings; merchandise, and other personal property, against fire; and the lives of persons; according to their respective charters. But no stock company shall take, on any one risk, a sum exceeding a tenth of the capital paid in. Policies shall be signed by the secretary and president; and in case of the absence, inability, or death of either of these officers, by two directors. Companies may reinsure any risks taken by them.

Risks not to exceed ten per cent. of capital paid in.

Companies not to issue policies under any other name.

SECT. 8. It shall not be lawful for any insurance company, incorporated by a law of this Commonwealth, to issue policies, or do any business, under any other name, style, designation or title, nor for any other purpose, nor upon any other principle, than is expressed in its charter.

Agents out of state to exhibit sign-boards, &c.

SECT. 9. Every person acting for an insurance company not incorporated in this Commonwealth, shall exhibit, in conspicuous letters, on the sign designating his place of business, the name of the State under whose authority the company he represents has been incorporated. And said company and agent shall also have printed, in large type, the name of such State, upon all policies issued to citizens of this Commonwealth, on all cards, placards, and pamphlets, and in all advertisements published, issued or circulated in this State, by them or him, relating to the business of such company.

SECT. 10. No person shall be allowed to act as agent of any insurance company not incorporated in this Commonwealth until such company and such agent shall have complied with all the requirements of the laws of this Commonwealth, relating to such companies and their agents, and every person so acting without such compliance, shall forfeit, for every such offence, a sum not exceeding one thousand dollars.

Agents to comply with laws under penalty of \$1,000.

SECT. 11. All mortgages on real estate, held by any insurance company, shall be liable to be attached, taken and sold on execution, in the manner provided in the fifty-second, fifty-third and fifty-fourth sections of the thirty-sixth chapter of the Revised Statutes, in respect to mortgages held by banks. And the secretary shall perform the duties therein required of cashiers or clerks.

Lands mortgaged to companies may be sold on execution.

SECT. 12. At the annual meeting of the company, the directors shall furnish a statement of the condition of the company, and in making dividends, shall not consider as any part of the profits the money received and notes taken for premiums on risks which are, at the time, outstanding and undetermined. When the capital stock is reduced in any way, the amount thereafter to be taken on any one risk shall, forthwith, correspondingly be reduced to the limitation in the seventh section of this act, until the capital shall be restored to its original amount. If the directors do not comply with these provisions, they shall be liable for any loss on insurance effected while the diminution continues. If any company shall be under liability for losses actually sustained equal to the capital, and the president and directors, knowing it, shall make insurance, whoever makes the insurance, or assents thereto, shall be liable for the loss, if any takes place, under such insurance. And if the capital stock be lessened by losses, before all instalments are paid in, each stockholder shall be liable for the instalments unpaid on his shares at the time of such loss, and no dividend shall be made until the capital shall be restored to its original amount.

Directors to furnish statement of condition annually.

SECT. 13. Every company shall be liable to be taxed by any general law for taxing similar companies, and the directors shall, whenever required, furnish to the legislature, or a committee thereof, a statement of their affairs, and submit to examination, on oath, concerning the same.

Liable to be taxed, &c.

SECT. 14. Every company, except mutual companies, shall, annually, between the first and tenth days of May, make return by mail, or otherwise, to the assessors of every

Returns, when and to whom made.

city or town in this Commonwealth, in which any stockholder resides, of the names of such stockholders, the number of shares belonging to each on the first day of May, with the par value, and the cash market value of the shares, so far as they can ascertain the same; and every company shall make return of the number of shares of corporate stock of all kinds held as collateral security for the debt or liability of any person residing in such city or town on the first day of May, with the name of the person, number of shares, and par value. And every mutual fire insurance company having a guaranty stock, shall make a like return of the stockholders of the guaranty stock. Any company neglecting to make the returns provided in this section, or that shall make false returns, shall forfeit, for each offence, not less than fifty, nor more than one thousand dollars to the use of the town or city in which such stockholders may reside, to be recovered in the name of such town or city.

Penalty for neglect.

Mutual companies to choose directors annually.

SECT. 15. Every mutual insurance company shall annually elect, by ballot, not less than seven directors, citizens of this Commonwealth, and after the first election, members of the company; and they shall manage and conduct the business thereof. Every person insured by the company shall be a member, and no one member shall be allowed more than five votes. Proxies may be authorized in writing: *provided*, that all such proxies shall be dated within six months previous to the meeting of said company, at which the same may be used; and *provided, also*, that no individual or officer of a mutual insurance company shall be allowed, by virtue of any such proxy or proxies held by him, to cast more than twenty votes.

Manner of voting.

Corporations may be represented.

SECT. 16. The directors of every corporation which shall become a member of any mutual company, may authorize one or more of the stockholders of such corporation to represent the same in all meetings of the mutual company, and in the transaction of all business; and such representatives shall vote and be eligible to the office of director in the company.

Members may be witnesses.

SECT. 17. Any member of a mutual insurance company may be a competent witness in all cases, civil or criminal, in which the company is a party or interested.

Assessments, how to be made, &c.

SECT. 18. Whenever the just claims against a mutual fire insurance company exceed the funds, exclusive of deposit notes, the directors shall assess such sums as may be necessary upon the members, in proportion to their premiums and deposit, no member being liable to pay more than double

the amount of his premium and deposit, and said assessment shall be made upon such notes as were given upon hazards, associated with the property upon which losses have occurred, according to the by-laws of said company. And whenever sufficient property of the company cannot be found to satisfy an execution issued against them, and the company have property, the proceeds of which can be applied to satisfy such execution, and the directors neglect to pay the same, or neglect for thirty days after the rendition of judgment to make an assessment, and deliver the same to the secretary or treasurer for collection, or to apply such assessment, when collected, to the payment of the execution, in either of these cases the directors shall be personally liable for the amount of the execution.

Liability of directors.

SECT. 19. If the secretary or treasurer of any mutual company unreasonably neglect to collect an assessment made by order of the directors, and to apply the same to the payment of the claims for which they were made, he shall, in his private capacity, be liable for the amount of the assessments, to the person having claims against the company, and he may repay himself for such payments out of any moneys afterwards received for the company.

Liability of secretary or treasurer for assessments.

SECT. 20. Whenever the directors of a mutual company shall be liable to pay any execution against the company, the creditor may recover by a bill in equity in the supreme judicial court, or by an action at law against the directors.

When directors are liable, creditors may sue.

And any director who shall pay any execution against the company, for which he is personally liable, may have a suit at law with equitable remedies for contribution against any of the directors for their proportion, and also a suit at law with equitable remedies against the company, or the individual members thereof, who may be liable therefor for money so paid for them: *provided*, that no member shall be liable to pay more than double the amount of his premium and deposit note.

Directors to have remedy against corporation.

SECT. 21. Every member of a mutual company shall, at the expiration of his policy, have a share in the funds after all expenses and losses then incurred have been deducted, in proportion to the sums by him paid on account of said policy, according to the contract, policy, or by-laws.

Members to share profits on expiration of policy.

SECT. 22. No policy shall be issued by any mutual fire insurance company until one hundred thousand dollars shall have been subscribed to be insured by the company, nor for a term exceeding seven years; and every policy made by such company shall create a lien on the personal property, and on any building insured, and the land under the same,

Policies issued for seven years when \$100,000 is subscribed.

Policies to create lien, &c.

Proviso.

for securing the payment of the deposit note and any sums assessed upon the insured: *provided*, the extent of the liability, and the intention of the company to rely upon the lien, shall be set forth in the policy, and that upon the alienation of the property to a *bona fide* purchaser, the lien shall cease as to all losses which shall hereafter happen, unless the policy shall be continued by consent of the purchaser and company. And if it shall become necessary to resort to such lien for the payment of the sum secured thereby, the secretary shall demand payment from the insured, and also from the tenant in possession, or the person having possession of the personal property, setting forth in writing the sum due; and in case of non-payment, the company may sue, and levy the execution upon the property or estate. The officer making the levy may sell the whole or any part thereof by auction, and apply the proceeds in the same manner as in the sale of an equity of redemption of real estate; and the owner shall have the same right to redeem any real estate thus sold, as in case of the sale of an equity of redemption upon execution.

May insure property in other States.

SECT. 23. Mutual fire insurance companies are empowered to insure property included in the terms of their charters, situated in the States of Massachusetts, New York, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, New Jersey, and Pennsylvania.

Policies to designate class of property.

SECT. 24. The directors of mutual fire insurance companies may divide the property insured into four classes. The policy shall designate the class, and the assessments shall be made upon premiums and deposit notes belonging to the class in which the loss occurs: *provided*, that no policy shall be issued in a separate class until one hundred thousand dollars shall be subscribed to be insured in that class. The expenses of the company, not strictly applicable to either class, shall be apportioned to each class, according to the amount of premiums; and in a division of the funds and returns of premiums and deposits, each member is entitled to receive his proportion of the funds belonging to the class in which he was insured.

Proviso.

Mutual marine companies.

SECT. 25. No policy shall be issued by a mutual marine insurance company until the members thereof have signed an agreement substantially as follows, viz.:—

Form of agreement.

“The subscribers, members of the M. M. Company, severally agree to pay said company, on demand, the sums set against their names, or such parts thereof as may be called in for the use of the company, in money or promissory notes.”

And when two hundred thousand dollars, if the company is in Boston, or fifty thousand if elsewhere, has been subscribed, and the president and directors have certified that the subscribers are known to them, and they believe them solvent and able to pay their subscriptions, policies may be issued; and subsequent subscriptions shall be certified in the same manner. And any person making a false certificate shall be liable for the sum which the subscriber fails to pay. Any company may, instead of the subscriptions, commence business with guaranty stock of not less than fifty thousand dollars, paid in and invested, and may pay as a dividend upon said stock the same per cent. of profits as shall be declared an earned premium, and may pay the principal of the stock when the net profits shall be sufficient to replace the stock, and shall have been invested. Every person subscribing the agreement before the organization of the company, and every person insured, shall be members thereof. But such subscribers shall be members for one year only after the organization, and those insured shall not be members after the termination of the risk and the payment of any sum due by reason thereof. When the profits exceed two hundred and fifty thousand dollars, the surplus above that sum may be divided among those entitled thereto, according to the by-laws of the company.

When policies may be issued.

Members.

Division of surplus.

SECT. 26. The subscriptions provided for in the preceding section, whether paid in money or notes, shall be taken for premiums for insurance thereafter to be effected for the subscribers by the company, and shall be held for losses of the company as they accrue. The notes shall be payable within one year from date, shall be deemed part of the capital, and may be collected or negotiated for the benefit of the company. And if the company shall be liable for losses beyond the amount of the fund, cash unpaid, premiums for risks terminated, and subscriptions, the president and directors, knowing the condition of the company, shall be liable personally to the insured for all losses occurring on insurance effected while such state of things continues. And the company shall not have at risk on the same bottom by bottomry or respondentia, and by policies on vessels, freight, or property, more than ten per cent. of the subscriptions and invested fund. And whenever, by means of open policies or indorsements thereon, more than ten per cent. is so at risk, the directors shall, as soon as may be, obtain reinsurance for the amount of such excess; and in case of wilful neglect, shall be liable to pay the company all loss sustained by reason of such excess.

How subscriptions shall be held and used.

Liability of officers for over insurance.

Mutual life companies, when to go in to operation, and directors, how chosen.

SECT. 27. Before any mutual life insurance company shall go into operation, a guaranty capital of one hundred thousand dollars shall be subscribed, in shares of one hundred dollars each, and one-half paid in cash, the other half to be paid as the directors may determine. The subscribers or holders of guaranty stock in any mutual life insurance company, shall choose the first board of directors; at all subsequent elections they shall choose a majority of the directors until the redemption of the guaranty stock, when the insured shall choose all the directors. The stockholders shall be entitled to such annual dividends, not exceeding seven per cent., as may be agreed upon at the time of subscribing, if the profits of the company are sufficient for that purpose; and if less than the sum agreed, it shall be made equal to it when the profits of the company are sufficient. One-quarter of the estimated surplus fund above the risks, losses, expenses, and dividends, shall be reserved, to be applied to the redemption of the guaranty stock; and after the expiration of ten years from the organization, when the amount reserved shall be sufficient, and the insured shall so vote, the guaranty stock may be redeemed. At the expiration of every five years, the residue of the estimated surplus funds shall be divided among the insured in proportion to the whole amount of premiums paid during the preceding five years.

Dividends.

Redemption of guaranty stock.

Insurance by one party for benefit of another, to enure, &c.

SECT. 28. A policy of insurance on the life of any person, expressed to be for the benefit of a married woman, whether made by herself, her husband, or any other person, shall enure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or the person effecting the same, or his creditors. A trustee may be appointed by the party obtaining the policy, or in case of no appointment by such party, then by the judge of probate for the county in which the party for whose benefit said policy is made resides, to hold the interest of the married woman in such policy, or the proceeds thereof. A policy effected by any person on his own life, or on the life of another, expressed to be for the benefit of such other or his representatives, or a third person, the person for whose benefit it was made shall be entitled thereto, against the creditors and the representatives of the person effecting the same. If the premium is paid by any person with intent to defraud his creditors, an amount equal to the premium so paid, with interest thereon, shall enure to the benefit of his creditors.

SECT. 29. Every company empowered to make insurance on lives upon land, shall be subject to the same obligations for the payment of a certain share of the profits to the Massachusetts General Hospital, as are imposed on the Massachusetts Hospital Life Insurance Company. And the net profits of the business of mutual life insurance companies, one-third of which they are required to pay to the trustees of said hospital, shall be taken to be the excess of the dividends over six per cent., annually, payable by the said companies, to the holders of the guaranty stock actually paid in. And after the guaranty stock shall be redeemed, the companies shall pay to the said trustees the same sum annually as before the redemption.

Payment of certain share of profits to Mass. General Hospital.

SECT. 30. The word foreign, used in this act, applies to all companies not incorporated by the legislature of this Commonwealth.

Foreign companies.

SECT. 31. No foreign insurance company, by their agent in this Commonwealth, shall insure property in this Commonwealth, or contract for insurance with any residents in this Commonwealth, unless the capital stock of the company amounts to one hundred thousand dollars, all of which sums which shall have been paid in and invested, exclusive of stockholders' obligations of any description, and the debts of the company; nor unless the company is restricted by its charter, or otherwise, from incurring any greater hazard, in one risk, than one-tenth of its capital, nor unless the company shall have complied with the provisions of this act.

Agents not to insure unless capital stock is \$100,000, and this act complied with.

SECT. 32. Every foreign insurance company shall, in writing, appoint a citizen of this Commonwealth, resident therein, a general agent, with instructions to accept service of all lawful processes against the company, in like manner as if the company had existed and been duly served with process in this Commonwealth. And a copy of the writing, duly certified and authenticated, shall be filed in the office of the secretary of this Commonwealth, and copies certified by the secretary shall be evidence in the courts of this Commonwealth. This agency shall be continued while any liability remains outstanding against the company in this Commonwealth; and the power shall not be revoked until the same power is given to another, and a copy thereof filed as aforesaid. And service upon such agent shall be deemed sufficient service upon the principal.

General agents to be appointed in writing.

Copy to be filed.

SECT. 33. The general agent shall, before any insurance is made by the foreign insurance company, give a bond to the treasurer of this Commonwealth, with one or more sure-

General agents to give bonds.

Agents to
make returns.

ties, to be approved by him, in the sum of five thousand dollars, with conditions that he will accept service of all lawful processes against the company in the manner provided in the thirty-second section of this act; and every agent of any foreign insurance company doing business in this Commonwealth, shall, before making any insurance, give a bond to the treasurer of this Commonwealth, with one or more sureties, to be approved by him, in the sum of one thousand dollars, with conditions that he will, on or before the fifteenth day of December, in each year, make return on oath to the treasurer of this Commonwealth of the amount insured by him, the premiums received, and assessments collected during the year ending on the thirtieth day of the November preceding, and at the same time pay to the treasurer the tax provided in the thirty-fourth section of this act.

Taxes, &c., im-
posed on the
agents of other
states.

SECT. 34. Whenever, by the laws of any other State, any taxes, fines, penalties, deposits of money, or of securities or other obligations, are or shall be imposed upon insurance companies incorporated or organized under the laws of this Commonwealth, and transacting business in such other State, or upon the agents of such insurance companies, then, so long as such law or laws shall continue in force, the same taxes, fines, penalties, deposits and obligations, shall be imposed upon all insurance companies doing business in this Commonwealth, which are incorporated or organized under the laws of such other State, and upon their agents.

Copy of char-
ter, &c., where
deposited.

SECT. 35. The general agent of every foreign insurance company shall, before any insurance is made, deposit with the secretary of the Commonwealth, a copy of the charter of the company, and a statement, in the form appended to this act, signed and sworn to by the president and secretary, and shall, before the fifteenth day of December, annually, transmit a statement in the form appended to this act, signed and sworn to by the president and secretary, made up to the time of the last annual statement of such company to the secretary of the Commonwealth, and shall publish a copy thereof twice, in two different newspapers in each county in which the company has established an agency, and in counties in which but one newspaper is published, three successive weeks.

To publish
statement.

Validity of
contracts and
liability of
agents.

SECT. 36. If insurance is made by a foreign insurance company, without complying with the requisitions of this act, the contract shall be valid; but the agent making the insurance shall be liable to the penalty provided in the

thirty-ninth section of this act. And if any such company shall neglect, after notice by the treasurer of this Commonwealth, to appoint a general agent, agreeably to the provisions of this act, they shall not recover any premium or assessment made by them on any contract of insurance with a citizen of this Commonwealth, until the provisions of this act are complied with.

SECT. 37. Every insurance company in this Commonwealth shall, before the fifteenth day of December, annually, transmit to the secretary of the Commonwealth, a statement, made up to the first day of the month, in the form appended to this act, signed and sworn to by the president and secretary. And the secretary of the Commonwealth shall, annually, in the month of October, furnish to the insurance companies two or more printed copies of the form of return to be made by them. Annual returns to be made.

SECT. 38. The companies now incorporated shall, within one year, conform to the provisions of this act, and the returns made in December next shall conform thereto. The charters of all companies that do not give notice to the secretary of the Commonwealth of the acceptance of the charter, and organize within one year from its date, shall be void. Existing companies to conform to this act

SECT. 39. Any person who shall procure payment or any obligation for the payment of any premium for insurance, by false or fraudulent representations, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, for each offence. Penalty for procuring payment, &c., by false representations.

SECT. 40. Any agent making insurance in violation of this act, or any law of this Commonwealth, shall forfeit, for each offence, a sum not exceeding five hundred dollars; and every person who shall make contract for, receive, or transmit proposals for insurance, or receive for delivery, policies founded on proposals forwarded by him from this Commonwealth, shall be deemed the agent of the company, within the meaning of this act. Forfeiture for violating this act.

SECT. 41. Every insurance company, and every agent of a foreign insurance company, neglecting to make the returns required by this act, shall forfeit one hundred dollars for each and every day's neglect, to be recovered by the treasurer of the Commonwealth. Penalty for neglecting to make returns.

SECT. 42. The secretary, treasurer, and auditor of this Commonwealth, are made insurance commissioners, and may appoint an actuary to examine the statements and bonds of all insurance companies and agents, and to render other Insurance commissioners may appoint an actuary.

Annual abstracts to be printed, &c.

services necessary to secure a compliance with this act, and prosecute all infractions thereof; and the governor and council may allow a reasonable compensation for services rendered and expenses incurred, in enforcing the provisions of this act. The secretary of state shall prepare an abstract of all the statements by the companies, and by the agents of foreign companies, and cause the same to be printed and furnished to the legislature in the month of January, annually.

Companies to adopt by-laws.

SECT. 43. All insurance companies incorporated by, and doing business under, the law of this Commonwealth, may, at any annual or special meeting thereof, adopt any by-laws for the administration or regulation of their business, which shall not be repugnant to the provisions of their respective charters, or to the laws of this Commonwealth.

Acts repealed, saving, &c.

SECT. 44. The following acts, viz.: the thirty-seventh chapter of the Revised Statutes; the two hundred and eighth chapter of the statutes passed in the year eighteen hundred and thirty-six; the one hundred and ninety-second chapter of the statutes passed in the year eighteen hundred and thirty-seven; the thirty-fifth and the one hundred and seventy-eighth chapters of the statutes passed in the year eighteen hundred and thirty-eight; the ninth and twenty-first chapters of the statutes passed in the year eighteen hundred and forty-two; the eighty-second chapter of the statutes passed in the year eighteen hundred and forty-four; the seventeenth and fifty-fifth chapters of the statutes passed in the year eighteen hundred and forty-five; the two hundred and forty-eighth and two hundred and seventy-third chapters of the statutes passed in the year eighteen hundred and forty-seven; the eighty-first chapter of the statutes passed in the year eighteen hundred and forty-eight; the one hundred and fourth chapter, so far as relates to insurance companies, of the statutes passed in the year eighteen hundred and forty-nine; the two hundred and seventy-ninth chapter and the three hundred and eighth chapter, so far as relates to insurance companies, of the statutes passed in the year eighteen hundred and fifty; the ninetieth, the one hundred and fifty-seventh, the one hundred and sixty-fifth, the one hundred and seventieth, the two hundred and eighty-first, and the three hundred and thirty-first chapters of the statutes passed in the year eighteen hundred and fifty-one; the two hundred and twenty-seventh, the two hundred and thirty-first, and the three hundred and eleventh chapters of the statutes passed in the year eighteen hundred and fifty-

two; the three hundred and thirty-third and three hundred and seventy-sixth chapters of the statutes passed in the year eighteen hundred and fifty-three; and all other general laws inconsistent with the provisions of this act, are hereby repealed; saving to the Commonwealth, and individuals, and corporations, any forfeitures and penalties which have accrued for violations of the provisions of the acts repealed.

SECT. 45. This act shall have no effect in any action now pending.

Not to affect
pending ac-
tions.

FORMS OF RETURNS FOR ALL INSURANCE COMPANIES
WITH SPECIFIC CAPITAL, DOING BUSINESS IN THIS
COMMONWEALTH, CHARTERED BY ANY ONE OF THE
UNITED STATES.

	Place where located.
	Name or title of Company.
	Amount of Capital Stock.
	Amount of United States Stocks and Treasury Notes; stating the amount of each kind.
	Bank and State Stocks; amounts of each kind, and the number of Bank shares.
	Loans on Bottomry and Respondentia.
	Amount invested in Real Estate.
	Amount of Loans on Real Estate, secured by Mortgage.
	Loans on Collateral and Personal Security.
	Loans on Personal Security only.
	Cash on hand.

	Reserved, or Contingent Fund.
	Amount invested in Railroad Stock ; stating each kind, number of shares of each, and amount.
	Amount of Losses ascertained and unpaid.
	Amount of estimated Losses, exclusive of such as are returned, as ascertained and unpaid.
	Amount of Premium Notes on Risks terminated.
	Amount of Premium Notes on Risks not terminated.
	Total amount of Premium Notes.
	Amount of Notes considered bad or doubtful, not charged to Profit and Loss.
	Amount of Marine Risks undetermined.
	Amount of Fire Risks undetermined.
	Amount of Premiums on Fire Risks undetermined.
	Average Annual Dividends for five preceding years, if so long incorporated, or since incorporated.
	Highest rate of Interest received on Loans, excepting on Bottomry or Respondentia.
	Highest Rate of Interest or Discount paid for moneys borrowed by the Company.
	Amount borrowed, and on what security.
	What amount of the Capital is pledged to the Company.

	Amount of Fire Losses paid the last year.
	Amount of Marine Losses paid the last year.
	Number of shares of the Capital Stock owned by the Company, or that remain unsubscribed for.

FORM OF A RETURN FOR MUTUAL MARINE OR MUTUAL
FIRE AND MARINE INSURANCE OFFICES.

	Name or title of the Company.
	Place where located.
	Amount of Assets.
	Schedule of Assets, viz. :
	Cash.
	Premium Notes on Risks terminated.
	Premium Notes on Risks not terminated.
	Other notes ; stating how secured, and for what given.
	Debts due to the Company, and how originated, (other than notes mentioned above.)
	All other property ; specifying amount and value of each kind of property and stocks.
	Losses paid during the year, ending——, on Marine Risks.
	Return Premiums, paid or credited during the same time, on Marine Risks.

	Losses paid on Fire Risks during same time.
	Amount of Losses ascertained and unpaid, on Marine Risks.
	Amount of Losses ascertained and unpaid, on Fire Risks.
	Estimated amount of Losses on claims unliquidated on Marine Risks.
	Estimated amount of Losses on claims unliquidated on Fire Risks.
	Amount of expenses paid.
	Amount Insured, during the year, on Marine Risks.
	Amount of Premium on Marine Risks.
	Amount Insured, during the year, on Fire Risks.
	Amount of Premium on Fire Risks.
	Amount of Marine Risks terminated.
	Amount of Premium on Marine Risks terminated.
	Amount of Fire Risks terminated.
	Amount of Premium on Fire Risks terminated.
	Amount of undetermined Marine Risks.
	Amount of Premium on undetermined Marine Risks.
	Amount of undetermined Fire Risks.

	Amount of Premiums on undetermined Fire Risks.
	Amount of Debts owed by the Company, other than those for Losses above-mentioned; state for what, and how secured.
	Highest Rate of Interest received.
	Highest Rate of Interest paid.
	Amount of liability of parties insured, to assessment, over and above the amount paid for premium and deposit money.
	Amount of Premiums included in the Assets, which the assured have the right to have endorsed on notes making part of the assets above-mentioned.
	Amount of delinquent notes, included in the assets above.
	Amount of Dividends made during the last five years, or since incorporated, if incorporated less than five years.

FORM OF RETURN FOR ALL MUTUAL FIRE INSURANCE
COMPANIES DOING BUSINESS IN THIS COMMONWEALTH,
AND CHARTERED IN ANY ONE OF THE UNITED STATES

	Name of the Company.
	Where located.
	Date of commencement of business.
	Amount insured by existing Policies.
	Amount of Premiums and Deposits received on same.
	Portion of Premiums and Deposits received in money.

	Portion of Premiums and Deposits received in notes.
	Amount of Assets, other than notes received for Premiums and Deposits ; state particularly of what they consist.
	Amount of Losses paid during the last five years, or since the commencement of business, if less than five years.
	Amount assessed on Notes for the same period.
	Amount assessed beyond the amount of Notes.
	Amount of liabilities of parties insured to assessment, in addition to the amount already collected.
	Amount of Assessments uncollected.
	Amount of Dividends paid to Policy-holders, during same period.
	Amount of Policies terminated the past year.
	Amount of Policies issued the past year.
	Amount of Premiums and Deposits received for said Policies.
	Amount of Losses paid the past year.
	Amount of Losses ascertained and unpaid.
	Amount of Assessments on Notes the past year.
	Amount of Assessments the past year, beyond the amount of Notes.
	Amount of Dividends paid to Policy-holders the past year.

	Amount of Debts owed by the Company, for money borrowed, or otherwise.
	Highest rate of Interest paid.
	Highest rate of Interest received.
	Amount Insured on Real Estate.
	Amount Insured on Personal Property.
	Amount Insured on First Class.
	Amount Insured on Second Class.
	Amount Insured on Third Class.
	Amount Insured on Fourth Class.
	Premiums and Deposits received in First Class.
	Premiums and Deposits received in Second Class.
	Premiums and Deposits received in Third Class.
	Premiums and Deposits received in Fourth Class.
	Losses in First Class.
	Losses in Second Class.
	Losses in Third Class.
	Losses in Fourth Class.

	Amount of Expenses of the Company during the year.
	Amount charged for proposals, policies, assignments, and other papers.

**FORM OF RETURN FOR LIFE INSURANCE COMPANIES,
INCLUDING MUTUAL, CHARTERED BY ANY ONE OF THE
UNITED STATES.**

	Name of the Company.
	Where located.
	Amount Insured by existing Policies.
	Present value of existing Policies, or amount requisite for re-insurance.
	If estimated, state the grounds upon which said estimate is predicated.
	Amount of the Assets of the Company.
	How invested; state each kind.
	Amount due for Losses.
	Amount due on other claims, including Dividends.
	Amount received for Premiums the past year.
	Amount received for Interest the past year.
	Amount of all expenses the past year.
	Amount paid to Agents the past year.

	Amount of Losses the past year.
	Amount of Guaranty Funds.
	How are Dividends paid ; whether in cash, scrip, or otherwise, on credit.

**FORM OF RETURN FOR FOREIGN INSURANCE COMPANIES,
CHARTERED WITHOUT THE UNITED STATES.**

	Name of Company.
	Where located.
	Amount of Capital.
	Amount secured by mortgage of Real Estate.
	Amount invested in United States and State Stocks.
	Amount of Stock in Incorporated Companies ; stating what Companies.
	Amount of other Assets, particularizing each item of investment.

[Approved by the Governor, April 29, 1854.]

An Act to authorize the Business of Loan and Fund Associations. *Chap. 454*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any persons, not less than fifty in number, and their successors, may become a body corporate, for the purpose of accumulating a fund to be lent on real estate security, or divided among its members ; and such corporation, the stockholders and officers thereof, shall be entitled to all the

Loan fund associations authorized.

powers, privileges, and remedies, and shall be subject to all the duties, restrictions and liabilities, set forth in the public statutes of this Commonwealth, and in such acts as may hereafter be passed by the general court in relation to such corporations.

Business, when
to commence.

SECT. 2. Before any such corporation shall commence its business, a majority of the shares thereof, being not less than three hundred in number, shall have been subscribed for, and the entrance fees thereon paid in; and the president and secretary thereof, under their hands and seals, shall have made a certificate, which shall specify:—

First. The corporate name of such corporation.

Secondly. The name of the city or town in which such corporation is to be located.

Thirdly. The amount of its capital stock, and the number of shares into which the same shall be divided.

Fourthly. The names and places of residence of the stockholders, and the number of shares held by each.

Fifthly. The time when such corporation was organized.

Certificate and
by-laws to be
filed.

Which certificate shall be acknowledged before a justice of the peace, and recorded in the registry of deeds for the county in which such corporation is to be located, and a copy thereof, and of the by-laws of the said association, shall be filed in the office of the secretary of the Commonwealth; and copies of such certificate, duly attested by the register of deeds or secretary of the Commonwealth, shall be admitted as sufficient evidence in all the courts of law, and on all occasions whatever: *provided, however*, that no corporation established under the provisions of this act shall take the name of any corporation, or association, heretofore organized or incorporated in this Commonwealth for similar purposes.

Statement to
be published.

SECT. 3. Every such corporation shall, annually, in the month of January, publish in one or more newspapers, in the county where such corporation shall have its place of business, a statement, verified by the oaths of its president and secretary, setting forth its actual financial condition, and the amount of its property and liabilities, and shall also deposit a copy of said statement, verified as aforesaid, in the office of the secretary of the Commonwealth.

Loans, how to
to be made.

SECT. 4. Every such corporation shall lend its funds on real estate security only; and upon the terms and conditions, and in the manner which shall be specified by its by-laws, and no loan shall be made by any such corporation to any person not a member.

SECT. 5. Any existing association, formed for the purposes mentioned in the first section of this act, may be entitled to the full benefit and privileges of this act, and may organize itself as a corporation under the same, by complying with the provisions of the second section hereof.

Act may apply to existing associations.

SECT. 6. Such corporation shall have no power to contract debts, other than those connected with the ordinary expenses of their business.

Debts.

SECT. 7. Every such corporation shall terminate, except for the purpose of settling its affairs, whenever all its shares shall have been redeemed by loans or advances thereon, or whenever the funds and property of the corporation shall be sufficient to pay, upon the unredeemed shares, the value thereof as fixed by the by-laws of such corporation, filed in the office of the secretary of the Commonwealth, as aforesaid: *provided, however*, that every borrower from such corporation, or association, shall be entitled to have his bond and mortgage, or other evidence of indebtedness, cancelled and discharged, whenever he shall have repaid an amount equal to the principal sum borrowed, together with the monthly interest thereon, and his fines for defaults.

Corporation to terminate.

Proviso.

SECT. 8. The supreme judicial court shall have full jurisdiction in equity of all claims or disputes which may arise between any such corporation and any of its members.

Supreme judicial court to have jurisdiction, &c.

SECT. 9. No member of any such corporation, who has borrowed money of the same, shall be allowed to vote on any question affecting the claim of such corporation against himself.

Members interested not to vote.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1854.*]

CHANGE OF NAMES.

SECRETARY'S OFFICE.

By the 256th chapter of the acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the Secretary of the Commonwealth of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." And the following returns are all that have been received at this department in accordance with said act.*

ESSEX.

February 1, 1853. Jane E. Danforth, of Danvers, takes the name of Jane E. Niles.

May 17. Charles Albert Solarris, of Danvers, takes the name of Charles Albert Lawrence.

June 7. William Pool, of Rockport, takes the name of William Choate Pool.

November 1. Mary Ann Griffin, of Salem, takes the name of Susan Swan Griffin. William Henry Hicer, of Salem, takes the name of William Henry Parker.

The decrees under date of February 1, May 17, and June 7, were made by Daniel A. White, former Judge, and the two latter by N. S. Howe, present Judge of Probate.

MIDDLESEX.

January 11, 1853. Emerson Pepper, of Lowell, (a minor,) takes the name of Frederick Emerson Willis.

May 17. Margaret Grace French, of Cambridge, (single woman,) takes the name of Margaret Grace Hastings.

November 1. Walter Powers, of Reading, takes the name of Thomas Walter Powers. John McCarty, Ann, his

* No returns have ever been made, under this Act, from the County of Suffolk.

wife, and Charles, Andrew, John, and Mary Frances McCarty, his children, all of Lowell, take the surname of Mack, instead of McCarty.

Decreed by S. P. P. Fay, Judge of Probate for the County of Middlesex.

WORCESTER.

January 4, 1853. Windsor Adams, of Brookfield, (a minor,) son of Abigail Adams, deceased, takes the name of Windsor Adams Bowen.

July 5. Major Chamberlin, of Southbridge, (a minor,) takes the name of Andrew M. Chamberlin. Emily Todd, of Worcester, takes the name of Emily S. Walden. Nathaniel Richardson, and Emeline Richardson, his wife, adopt Emily Barber, daughter of John P. Barber, of Winchendon, and said Emily takes the name of Emily Barber Richardson.

August 2. James E. Cheney, and Caroline A. Cheney, of Holden, adopt a female child named Mary Davis, and said Mary Davis takes the name of Mary Davis Cheney. Stephen Harrington, of Worcester, adopt Nancy Ann Temple, an orphan child, daughter of Samuel Temple and Nancy Temple, late of Holden, deceased, and said Nancy Ann takes the name of Nancy Ann Harrington.

October 4. John Hagan, of Upton, and Ann Hagan, his wife, adopt James Williams, (a minor,) of the age of 18 weeks, son of Jane Randles, widow, and said James Williams takes the name of James Williams Hagan. Erastus J. Barrows, and Nancy A. Barrows, his wife, adopt Jane, an infant daughter of Catharine Head, of Clinton, and said Jane takes the name of Jane Barrows.

December 6. Augustus F. Fuller, and Achsah Fuller, his wife, of Holden, adopt Eugene F. Brigham, (a minor,) son of Mary S. Swan, aged five years, and said Eugene takes the name of Eugene Brigham Fuller. G. Q. A. Bryant, and Louisa Ann Bryant, his wife, adopt Finette Louisa Miller, daughter of Thomas Miller and Mary Ann Miller, and said Finette takes the name of Finette Louisa Bryant. Silas Andrew Freeman, of Millbury, takes the name of Andrew Silas Freeman.

Decreed by Thomas Kinnicutt, Judge of Probate for the County of Worcester.

HAMPSHIRE.

January 4, 1853. Frances Laura Miller, of Northampton, takes the name of Sarah Jane Miller.

May 3. Albert Henry Saunders, of Middlefield, takes the name of John Henry Damon. Nancy Haydon, of Williamsburg, takes the name of Nancy Hannum.

September 6. Perrin Mathews, of South Hadley, takes the name of Charles Perrin Mathews.

Decreed by Ithamar Conkey, Judge of Probate for the County of Hampshire.

HAMPDEN.

Michael Corbett, of Palmer, takes the name of Charles Corbett. Moses Chapin, 2d, of Chicopee, takes the name of Moses Whitman Chapin.

Decreed by Henry Smith Register for the County of Hampden.

NORFOLK.

February 26, 1853. Anderson Hollingsworth, of Braintree, takes the name of Ellis Anderson Hollingsworth.

May 7. Frederick Graham Howard, of Brookline, takes the name of Benjamin Chandler Howard.

Decreed by W. S. Leland, Judge of Probate for the County of Norfolk.

PLYMOUTH.

November 1, 1853. Michael Marea, of North Bridgewater, takes the name of Shearman T. Marea.

Decreed by Aaron Hobart, Judge of Probate for the County of Plymouth.

BRISTOL.

Pardon A. Sisson, of New Bedford, takes the name of Edward R. Sisson. John Wood, of New Bedford, takes the name of John Franklin Wood. Cornelius Mahoney, of Raynham, takes the name of Cornelius Allen White.

Decreed by Oliver Prescott, Judge of Probate for the County of Bristol.

BARNSTABLE.

January 11, 1853. Emma Adelaide Ward, minor child of Charles Ward, of Chatham, takes the name of Kezia Adelaide Ward.

February 8. Robert Austin Lovell, of Barnstable, takes the name of Austin Lovell. Forbes Douns, minor child of Mary N. Douns, of Dennis, takes the name of Isaac Downs.

April 18. Isaac Smith, 2d, of Harwich, takes the name of Isaac Harvey Smith.

May 17. Alvin W. Rich, minor child of Michael A. Rich, of Truro, takes the name of Michael A. Rich. Henry Phineas Shaw, minor child of Sarah Shaw, of Truro, takes the name of Cornelius Henry Shaw.

August 9. Julia Nye Loring, a minor, of Barnstable, whose parents are both deceased, takes the name of Julia Annette Loring.

Decreed by Nymphas Marston, Judge of Probate for the County of Barnstable.

No returns from Berkshire, Franklin, Nantucket, and Dukes Counties.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Resolve to pay the late Acting Clerk of the House of Representatives. *Chap. 1.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William Schouler, the sum of thirty dollars, in full payment for his services as acting-clerk of the House of Representatives, during the organization thereof, at the commencement of the present session; and that a warrant be drawn accordingly. [*Approved by the Governor, January 25, 1854.*]

\$30 to acting clerk during organization of legislature.

Resolve in addition to a Resolve for Printing the State Prison Report. *Chap. 2.*

Resolved, That the Secretary of the Commonwealth for the time being, be authorized and directed to cause to be printed annually, in addition to those already ordered, by a resolve passed March thirty-first, eighteen hundred and fifty-one, chapter twenty-first, five hundred copies of the State Prison Report, for the use of the inspectors of said prison. [*Approved by the Governor, February 4, 1854.*]

500 additional copies of state prison report.

Resolve for the pay of the Legislature and its Officers, monthly. *Chap. 3.*

Resolved, That there be paid out of the treasury of the Commonwealth, to each member of the legislature, at the end of every month during its session, the sum of fifty dollars: *provided,* it shall appear by the certificate of the clerk of either House, that the pay of the member for the month, at two dollars per day, amounts to that sum, not including travel. Also, that there be paid to the clerks, messengers,

Monthly pay of members.

door-keepers and pages of the two Houses, a proportionate sum, upon producing the proper certificate; and his excellency the governor, is hereby authorized to draw his warrant on the treasurer, for a sum not exceeding one hundred thousand dollars, for the purpose above specified. [Approved by the Governor, February 7, 1854.]

Chap. 4.

Resolve on the Petition of Frances C. Clarke.

Frances C. Clarke authorized to sell certain lot of land

Resolved, For reasons set forth in said petition, that the said Frances C. Clarke be, and she hereby is, authorized to sell, at public or private sale, the lot of land in the Forest Hills Cemetery, named in her said petition, of which her late husband, Manlius S. Clarke, died seized and possessed; and to make and execute a good and sufficient deed of conveyance to the purchaser, and to invest the proceeds thereof in such other lot of land, in said Cemetery, as she shall judge best for all interested therein, for the benefit of herself and Thomas C. Clarke, Florence L. Clarke, and Edith H. Clarke, widow and minor children of said Manlius S. Clarke, deceased. [Approved by the Governor, February 10, 1854.]

Chap. 5.

Resolves concerning the Records of the General Court.

Repeal of a resolve.

Resolved, That the Resolve of the thirteenth day of May, eighteen hundred and fifty-two, "In relation to the Indices of the General Court Records," and the Resolves of May second, eighteen hundred and fifty-three, "Concerning the Preparing and Printing the Indices of the General Court Records," be, and they are hereby repealed.

1,100 additional copies to be printed of vols. 1 and 2.

Resolved, That the governor of the Commonwealth cause to be printed eleven hundred additional copies of the first two volumes of the General Court Records.

1,200 copies of 3d, 4th and 5th vols. of general court records to be printed.

Resolved, That twelve hundred copies of the third, fourth, and fifth volumes of the General Court Records, with suitable Indices, be stereotyped and printed, under the supervision of the secretary of the Commonwealth, who may appoint some competent person or persons to prepare said volumes for printing, and take charge of the same, and to complete the Indices of the General Court Records already commenced; and the compensation of such person or persons shall be determined by the governor and council.

Secretary to dispose of same.

Resolved, That all the said volumes, as printed, be committed to the care of the secretary of the Commonwealth, who shall cause them to be delivered as follows, viz.: one

copy of each of said volumes to be furnished to the governor and lieutenant-governor, respectively, and to each member of the executive council for the present political year, the senate and house of representatives, and the clerks and chaplains of the two branches; one to the executive department, and one for each of the departments of the secretary of the Commonwealth, treasurer and receiver-general, auditor, adjutant-general, land agent, and to the state library; one to the library of congress; one to the state department at Washington, and one to each city and town in the Commonwealth; and one copy to the state library of each state in the Union, and one copy each to the editor of said volumes and his assistants. [*Approved by the Governor, February 17, 1854.*]

Resolves concerning the Nebraska Bill.

Chap. 6.

Resolved, That we view with apprehension and alarm the proposition, now pending before the congress of the United States, to repeal a solemn injunction against the introduction of slavery into territory now free, and which was sacredly appropriated to the exclusive occupation of free-men by the compromise of 1820.

Repeal of compromise of 1820

Resolved, That we can hold it as nothing less than a violation of plighted faith to annul all that part of the Missouri compromise which remains to be fulfilled for the benefit of freedom and the free states; while all that part which was intended for the benefit of slavery and the slave states is rigidly insisted upon, and has been fully executed.

A violation of plighted faith.

Resolved, That, in behalf of the people of Massachusetts, we deplore the introduction of this measure as a proposition to disturb that which has already been settled; and that, if we are to witness fresh scenes of sectional animosity and contention, the authors and supporters of the Nebraska Bill must forever bear the responsibility, and be answerable for all the fearful consequences of so flagrant an act of injustice.

Measure deplored.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to each of the senators and representatives of Massachusetts in the congress of the United States. [*Approved by the Governor, February 19, 1854.*]

Transmission of resolves.

Chap. 7.

Resolve on the Petition of Lucy S. Keyes.

Arthur W. Austin, trustee, &c., authorized to convey real estate.

Resolved, For reasons set forth in said petition, that Arthur W. Austin, of West Roxbury, in the county of Norfolk, successor to the late Joel Seaverns, as trustee under the deed of Jeremiah Plympton, be, and he hereby is, authorized and empowered, to convey all the interest in the estate mentioned in said petition, to the said Lucy S. Keyes, being the same estate described in a deed from said Plympton to said Seaverns, which is recorded in the Norfolk Registry of Deeds, book one hundred and forty-two, and page three hundred and four; and the deed of quit-claim of said Austin, to the said Lucy S. Keyes, of said estate, shall vest in her, the said Lucy S. Keyes, the same right, title and interest and estate, in the said premises, as if originally conveyed to her in fee by the said Jeremiah Plympton. [*Approved by the Governor, February 20, 1854.*]

Chap. 8.

Resolve on the Petition of Charles J. Morrill, Trustee, and others.

Chas. J. Morrill, trustee, &c., authorized to sell estate.

Resolved, For the reasons set forth in said petition, that Charles J. Morrill, as he is the trustee under an indenture of three parts made March sixteenth, in the year of our Lord, one thousand eight hundred and forty-nine, between Ezekiel Morse of the first part, and the said Morrill of the second part, and Matilda Morse of the third part, recorded with Suffolk Deeds, liber six hundred and eight, folio one hundred and seventy-seven, be, and he hereby is, authorized and empowered to sell at public or private sale, and at such times and for such considerations, as to said trustee, may seem most advantageous for all parties interested; and upon the receipt of such consideration, to convey, in fee simple, the estate described in said indenture, being an estate on Saratoga Street, East Boston, to the purchaser or purchasers, wholly free and discharged of all trusts or obligation to see to the application of the purchase money. From the net proceeds of sales, the said trustee is hereby authorized to repay to himself, the amounts advanced by him to the said Ezekiel Morse and Matilda Morse, and their family, as set forth in said petition, being about seven hundred and fifty dollars, together with interest on said sums, to the day of payment, and he is required to pay to said Ezekiel Morse, the further sum of eight hundred dollars; and to Benjamin S. Morse the sum of two hundred dollars; and the net balance of the consideration received, after making these payments, shall be paid as follows: one-third

Proceeds of sale, how disposed of.

of said balance shall be paid to Edwin Morse; and two-thirds of said balance shall be paid to Alphonso Morse, or to the legally constituted guardian of Edwin and Alphonso: *provided, however*, that the said trustee shall, before making ^{Proviso.} said sale, give bond to the judge of probate for the county of Suffolk, with surety or sureties to the satisfaction of said judge, conditioned faithfully to comply with the terms of this Resolve, to act faithfully and impartially in relation to said sale, and to make the pecuniary payments directed by this Resolve.

SECRETARY'S DEPARTMENT, February 23, 1854.

The foregoing Resolve was laid before the governor, on the sixteenth day of February, 1854, and returned by him ^{Resolve legalized.} without approval, the twenty-second day of the same month, and consequently, in compliance with the Constitution, passes into full effect.

E. M. WRIGHT,

Secretary of the Commonwealth.

Resolve authorizing the Treasurer to Borrow Money in anticipation of *Chap. 9.*
the Revenue.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court; and that he shall repay any sum which he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of three hundred thousand dollars. [Approved by the Governor, February 24, 1854]

Treasurer may
borrow sum of
\$300,000.

Chap. 10.

Resolves concerning certain Gun-Houses.

Adjutant-general to sell certain lands.

Resolved, That all the right, title, and interest of the Commonwealth in and to certain tracts and parcels of land situate in the towns of Concord, Abington, and Norton, heretofore used for gun-houses and other military purposes, be sold by the adjutant-general, as soon as may be, and the proceeds thereof paid into the treasury; and that the adjutant-general be, and he hereby is, authorized and empowered to execute and deliver such deed or deeds of said lands, as may be necessary to convey to the purchaser or purchasers thereof, all the interest therein now vested in the Commonwealth. [*Approved by the Governor, February 25, 1854.*]

Chap. 11.

Resolves in Relation to Cheap Ocean Postage.

Cheap rates the true policy.

Resolved, That it is the true policy of every national government, to procure for its citizens the advantages of a regular and cheap correspondence with foreign countries; and that the establishment, by all maritime nations, of a uniform rate of ocean postage, reduced to the lowest sum practicable, would tend to promote and extend the blessings of commerce and civilization, and to secure the peace of the world.

Governor to transmit copies.

Resolved, That his excellency the governor be requested to transmit, to the governors of the several States, and to the senators and representatives in congress, copies of these Resolves, to the end that the government of the United States may be induced to coöperate in this important movement. [*Approved by the Governor, February 25, 1854.*]

Chap. 12.

Resolve on the Petition of the Society for Employing Female Poor.

Distribution of funds.

Resolved, For the reasons set forth in said petition, that the doings of said society be, and the same are hereby confirmed; and that the distribution of the funds of said society, as follows, namely: six thousand dollars to the corporation called the "Temporary Home for the Destitute," six thousand dollars to the corporation called the "Needlewoman's Friend Society," and the remainder to the "Industrial Room," as mentioned in said petition, be and the same is hereby ratified. [*Approved by the Governor, March 7, 1854.*]

Resolve concerning the Payment of Expense of Amos Wood, during his Sickness. *Chap. 13.*

Resolved, That there be paid to Amos Wood, from the treasury of the Commonwealth, the sum of thirty dollars, for defraying the expense of his late sickness, while a member of the present general court. [*Approved by the Governor, March 10, 1854.*]

Resolve concerning the Payment of Expense of Jonathan Snow, during his Sickness. *Chap. 14.*

Resolved, That there be paid to Jonathan Snow, from the treasury of the Commonwealth, the sum of seventeen dollars, for defraying the expense of his late sickness, while a member of the present general court. [*Approved by the Governor, March 10, 1854.*]

Resolve granting Taxes for the several Counties.

Chap. 15.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and hereby are granted, as a tax for each county, respectively, to be assessed, paid, collected and applied, according to law, namely:—

Essex, seventy-eight thousand seven hundred and twenty dollars.

Middlesex, eighty-three thousand two hundred and sixty-four dollars.

Worcester, sixty thousand dollars.

Hampshire, twenty thousand dollars.

Hampden, twenty-eight thousand dollars.

Franklin, twelve thousand dollars.

Berkshire, eighteen thousand dollars.

Norfolk, fifty-five thousand dollars.

Plymouth, twenty thousand dollars.

Bristol, thirty-five thousand dollars.

Barnstable, eight thousand two hundred dollars.

Dukes County, two thousand five hundred dollars.

[*Approved by the Governor, March 11, 1854.*]

Resolve in favor of the Worcester North Agricultural Society.

Chap. 16.

Resolved, That there be paid to the Worcester North Agricultural Society, from the treasury of the Commonwealth, such sum of money as said Society would have been entitled to receive, had its existence admitted of an annual

Money to be paid to said society.

return in the year eighteen hundred and fifty-two, and that the governor be authorized to draw a warrant accordingly. [Approved by the Governor, March 11, 1854.]

Chap. 17. Resolve relative to certain Trustee Processes, pending against the Estate of the late Jotham B. Monroe, Superintendent of Alien Passengers.

Treasurer authorized to execute bond of indemnity. *Resolved*, That the treasurer of the Commonwealth be directed and authorized to execute a bond of indemnity to the president, directors and company of the Merchants' Bank, in Boston, to indemnify them, as trustees of Jotham B. Munroe, deceased, late superintendent of Alien Passengers, for the Commonwealth, in the city of Boston, in certain trustee suits, now pending before the supreme judicial court in the county of Suffolk; upon receiving the sum of money deposited in said Bank, by said Monroe, in his official capacity, as Alien Passenger Agent, and remaining on deposit in said Bank, at the time of the service of said trustee processes, and out of said sum said treasurer be authorized to pay to the administrator of said Monroe's estate, and to his counsel, the expenses and charges of defending said actions, so far as approved by the governor. Also, that the treasurer of the Commonwealth, be directed and authorized to execute a bond of indemnity, to the administrator of said Jotham B. Monroe, superintendent as aforesaid, to indemnify his estate against the claims and demands of the plaintiffs, in said suits, and other official liabilities, so that said administrator may settle the estate of said Jotham B. Monroe. [Approved by the Governor, March 11, 1854.]

Chap. 18. Resolve on the Petition of John D. McCrate.

Appointment of, as administrator, confirmed. *Resolved*, For reasons set forth in said petition, that the said John D. McCrate, as administrator of the estate of Jonas L. Sibley, deceased, is hereby authorized to make, or have made, file and have recorded in the court of probate for the county of Worcester, an affidavit of his having given due notice of his appointment, by said court, as administrator of the estate of said Jonas L. Sibley, late of Sutton, in said county of Worcester, deceased; which affidavit, when filed and recorded in said court, shall be as effectual to perpetuate the evidence of his having given due notice of his appointment as said administrator, as if made, filed and recorded within the period prescribed by law. [Approved by the Governor, March 15, 1854.]

Resolve on the Petition of Ira M. Barton.

Chap. 19.

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to Ira M. Barton, the sum of thirty-nine dollars, in full for services rendered and expenses incurred, on account of the Grafton tribe of Indians; and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, March 15, 1854.*]

Resolve on the Petition of John Jeffries, Jr.

Chap. 20.

Resolved, For reasons set forth in said petition, that John Jeffries, Jr., of Boston, in the county of Suffolk, as he is administrator with the will annexed of Caleb Andrews, late of said Boston, deceased, by appointment of the judge of probate for said county, be and he hereby is authorized and empowered to sell at public sale, and to execute all necessary deeds and instruments to convey in fee simple, any and all the real estate of which the said Caleb Andrews died seized: *provided*, that the said Jeffries shall first give bond to the judge of probate for said county, with sureties satisfactory to said judge, for the faithful execution of the power hereby conferred, and to apply and account for the consideration money received for said sale and conveyance, according to law and said will. [*Approved by the Governor, March 15, 1854.*]

Authorized to sell real estate.

Provided, &c.

Resolve for the Payment of the Expenses of the Sickness of Jon. E. Field. Chap. 21.

Resolved, That there be paid to Jon. E. Field, from the treasury of the Commonwealth, the sum of sixty-three dollars, for defraying the expenses of his sickness, while a member of the present legislature. [*Approved by the Governor, March 16, 1854.*]

Resolve concerning the Fisheries in Taunton Great River.

Chap. 22.

Resolved, That the governor be requested to appoint three commissioners to examine into the condition of the fisheries in Taunton Great River. and the laws regulating the same, and to report such alterations or amendments of said laws as may tend to promote the interest and harmony of the inhabitants of the several towns on said river. [*Approved by the Governor, March 17, 1854.*]

Commissioners to examine into condition of fisheries.

Chap. 23. Resolve on the Petition of Catharine C. R. Lamb, praying that authority be conferred on her to take care of the Property of Edward Lamb.

Authorized to
take charge of
estate.

Resolved, That, for reasons set forth in her petition, the said Catharine C. R. Lamb be authorized to collect and preserve the effects of said Edward Lamb, and generally, during his absence from the Commonwealth, to manage and take care of his estate, and out of the same to pay any debts of the said Edward, and provide for the expenses of his family, with like power and authority to that which may now be exercised by guardians of minors, insane persons and spendthrifts; the said Catharine first giving bond, with one or more sureties satisfactory to the judge of probate for the county of Suffolk, that she will, within three months, make and return into the probate court of said county a true inventory of all the property of said Edward, and account for the same, when required by said judge, to the person or persons who shall be legally authorized to receive the same. [*Approved by the Governor, March 18, 1854.*]

Chap. 24.

Resolve on the Petition of Mary P. Townsend.

Judge of probate, upon application, may set off certain lands and tenements.

Resolved, For reasons set forth in said petition, that the judge of probate for the county of Suffolk is hereby authorized, on the application of said Mary P. Townsend, to cause to be set off in severalty and in fee simple, unto said Mary P. Townsend, three undivided fourth parts of all the lands and tenements within the city of Boston, held and owned by said Mary P. Townsend and her sister Eliza Townsend, late of said Boston, singlewoman, who died on the twelfth day of January, in the year eighteen hundred and fifty-four, at the time of said Eliza's decease: *provided, however,* that the proceedings before said judge of probate shall be in conformity, (as near as may be,) to the provisions of chapter one hundred and three of the Revised Statutes, on the partition of lands owned by several persons. [*Approved by the Governor, March 18, 1854.*]

Proviso.

Chap. 25. Resolve concerning the Payment of the Expenses of Benjamin Poole, during his Sickness.

Resolved, That there be paid to Benjamin Poole, from the treasury of the Commonwealth, the sum of sixty-three dollars, for defraying the expenses of his late sickness, while a member of the present general court. [*Approved by the Governor, March 18, 1854.*]

Resolve on the Petition of Obed F. Hitch and Mary G. Hitch, his wife, and Joseph Buswell. *Chap. 26.*

Resolved, For reasons set forth in said petition, that the following described lands, situate in Methuen, county of Essex, the first parcel containing about twenty-six acres of the home farm of the late Joshua Buswell, which was set off, by order of the court of common pleas, on the petition of said Joseph Buswell, to Mary G. Hitch, and is bounded northerly on part of the farm set off to said Joseph Buswell and land of E. Dustin, and easterly by lands of said Dustin, southerly by land of John Russ, and westerly by a public road, leading from the house of the late Joshua Buswell to Lawrence; the second parcel, containing about four and one-half acres, is situated near the line of Lawrence, bounded and described, as in deed of Jeremiah Frye to Joshua Buswell, recorded in the Essex registry of deeds, October twenty-second, in the year eighteen hundred and sixteen, be, and the same are hereby authorized to be sold and conveyed, in fee simple, and good and sufficient deed or deeds to be given to the purchaser or purchasers, by three disinterested persons, to be appointed trustees, from time to time, by the judge of probate for said county; said sale and conveyance to be made by said trustees, in such manner, on such terms and for such prices, at public or private sale, as they shall deem expedient, and the proceeds to be loaned by said trustees, on good and sufficient real estate securities, and the interest thereof to be appropriated by them for the benefit of said Mary G. Hitch, during the natural lives of said Mary G. Hitch and Joseph Buswell; and at the decease of either of them, the proceeds invested, to be conveyed, paid, delivered over or disposed of, according to the true intent and meaning of the last will and testament of their late father, Joshua Buswell, deceased: *provided, however,* that such trustees shall first give bonds to said judge, faithfully to execute the powers granted by this Resolve. *Proviso.*
[Approved by the Governor, March 22, 1854.]

Resolve on the Petition of Nathan Frye, Trustee.

Chap. 27.

Resolved, For reasons set forth in said petition, that the said Nathan Frye, trustee under a deed from Joseph Stowers and Mary C. Stowers, his wife, dated on the tenth day of April, eighteen hundred and thirty-eight, or his successor in said trust, be and he hereby is authorized to sell at public or private sale, and convey that portion of the real estate

Trustees authorized to sell and convey land.

Trustee authorized to sell and convey real estate.

in Salem, which is bounded westerly on Washington Street, northerly on a passage-way, and easterly and southerly on land of Tucker Daland, which was put in trust by said trust deed, the share, so put in trust, being one one hundred and fifth part of said described real estate; and to make and execute good and sufficient deeds thereof, in fee simple, discharged of said trust, and to hold, invest and dispose of the proceeds, to the same uses and upon the same trusts that are provided in said deed in regard to said real estate: *provided*, the said trustee shall first give bonds, with good and sufficient sureties, to the judge of probate for the county of Essex, so to hold, invest and dispose of said proceeds. [Approved by the Governor, March 22, 1854.]

Proviso.

Chap. 28. Resolve on the Petition of Nathan Frye and Daniel Marston, Trustees.

Executors authorized to sell and convey real estate.

Resolved, For reasons set forth in said petition, that the said Nathan Frye and Daniel Marston, executors and trustees under the last will and testament of Hannah N. Frye, late of the city of Salem, widow, deceased, or their successors be, and they hereby are, authorized to sell, at public or private sale, and convey that portion of the real estate in Salem, which is bounded westerly by Washington Street, northerly on a passage-way leading from Washington Street, and easterly and southerly on land of Tucker Daland, which was put in trust by said will, the share so put in trust being one one hundred and fifth part of said described real estate, and to make and execute good and sufficient deeds thereof, in fee simple, discharged of said trust, and to hold, invest and dispose of the proceeds, to the same uses, and upon the same trusts, that are provided in said will, in regard to said real estate: *provided*, the said trustees and executors shall first give bonds, with good and sufficient sureties, to the judge of probate for the county of Essex, so to hold, invest and dispose of said proceeds. [Approved by the Governor, March 22, 1854.]

Provided, &c.

Chap. 29.

Resolve on the Petition of Thomas Lewis, Jr.

§8 to Thomas Lewis, Jr., for mileage in 1853

Resolved, That there be paid out of the treasury of the Commonwealth, to Thomas Lewis, Jr., of Falmouth, the sum of eight dollars, for mileage, as a member of the legislature of 1853; and that a warrant be drawn therefor accordingly. [Approved by the Governor, March 23, 1854.]

Resolve on the Petition of Jonathan Day.

Chap. 30.

Resolved, For reasons set forth in said petition, that the Title confirmed
 title of said petitioner, his heirs and assigns, in and to a certain piece of land, situated in Webster, in the county of Worcester, bounded and described as follows: Beginning at the south-east corner thereof, at a stake and stones; thence north, fourteen degrees west, thirteen rods and eighteen links, to land of Samuel Slater and sons, to a stake and stones; thence north, seventeen and a half degrees, east six rods and four links, by land now or late of William Wakefield, to a stake and stones; thence north, seventy degrees west, six rods and twenty-two links, by land of said Wakefield, to a stake and stones; thence south, seventeen degrees west, twenty-two rods and twelve links to land of Artemas Riching, to a stake and stones; thence eighty-eight and a half degrees east fourteen rods and five links, by land of H. F. Stevens, to the place of beginning; which said estate was conveyed to the petitioner, under a license of the court of probate for said county of Worcester, after a sale at public auction, on the thirty-first day of August, in the year eighteen hundred and forty, by Peter C. Bacon, and Archibald Campbell, administrators of Samuel C. Butler, late of said Webster, deceased, as by the deed of said administrators, duly executed, will appear, be and the same is hereby confirmed, so far as the said title is defective, by reason of any irregularities in the proceedings of said administrators, relative to said sale. [*Approved by the Governor, March 28, 1854.*]

Resolve in favor of Lloyd Gould, an Indian Pauper of Christiantown. Chap. 31.

Resolved, For reasons set forth in his petition, that there §50 annually,
 be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Indians and people of color, at Christiantown and Chappaquiddic, for the support of Lloyd Gould, an Indian child of Christiantown, the sum of fifty dollars, annually, for the term of four years, commencing on the last day of May, 1854, (in case said child shall not decease before the expiration of said term,) and that warrants be drawn accordingly. [*Approved by the Governor, March 28, 1854.*]

Chap. 32. Resolve authorizing the Adjutant-General to enlarge the "Manual of Arms."

Adjutant-general authorized to enlarge the Manual of Arms. *Resolved*, That the "Manual of Arms," prepared by the adjutant-general, under a Resolve dated March eighteenth, in the year one thousand eight hundred and fifty-two, be enlarged to such an extent, that it shall be a complete manual of instruction for arms with percussion locks, in accordance with the system adopted by the army of the United States; and that the adjutant-general be, and he hereby is, authorized to enlarge said manual, and furnish to each field, staff, company, and non-commissioned officer of the volunteer militia of the State, with one copy. [*Approved by the Governor, March 31, 1854.*]

Chap. 33. Resolve concerning Models of Fruits and Animals.

Secretary of board of agriculture to procure models of fruits, &c. *Resolved*, That the secretary of the board of agriculture be, and he is hereby authorized, to procure accurate models of the fruits, agricultural implements, and animals of New England, and to obtain such rare books as may be needed to illustrate the condition and progress of agriculture in this State, to be deposited in the cabinet connected with the office of the secretary of the board, and to draw on the treasury for the cost of the same: *provided*, it shall not exceed the sum of two thousand dollars. [*Approved by the Governor, March 31, 1854.*]

Proviso.

Chap. 34. Resolve in favor of John V. Low.

Gratuity on account of sickness. *Resolved*, For reasons set forth in his petition, that there be allowed and paid out of the treasury of the Commonwealth, to John V. Low, late assistant-messenger to the governor and council, the same amount of pay, for and during the session of the legislature of eighteen hundred and fifty-four, to which he would be entitled in case he were the present incumbent of said office. [*Approved by the Governor, April 7, 1854.*]

Chap. 35. Resolve concerning the Journals of the House of Representatives.

Secretary to cause legislative journals of 1851 and 1852 to be copied, &c. *Resolved*, That the secretary of the Commonwealth be, and he hereby is, authorized and required to cause the Journals of the House of Representatives, for the years one thousand eight hundred and fifty-one, and one thousand eight hundred and fifty-two, to be fairly copied, to certify such copies to be true, and to deposit the same in the State

Library, in the place of the imperfect copies deposited therein by the clerk of the house of representatives for the years aforesaid. [*Approved by the Governor, April 7, 1854.*]

Resolve in relation to the Appointment of Commissioners to establish Lines in Mystic River, Boston Harbor, and Dorchester Bay. *Chap. 36.*

Resolved, That his excellency the governor, by and with the advice of the council, be authorized and requested to appoint three commissioners, to define, upon a plan or plans, such lines as they shall think expedient to establish, beyond which no wharves shall be extended into and over the tide waters of the Commonwealth, on flats in Mystic River, so far as they may think expedient; and also to complete the lines in South Bay; and to continue the line from East Boston, so far as it may be thought expedient, in the direction of Breed's Island; and also to continue the lines from South Boston Point through Dorchester Bay to Neponset Bridge. Lines in Mystic River, &c.

And the said commissioners are hereby authorized to obtain the advice and assistance of the attorney-general of the Commonwealth, upon any legal questions that may be involved in the prosecution of the objects of this commission. Advice of attorney-general

And the said commissioners shall give at least thirty days' notice, in three or more newspapers published in the city of Boston, and one or more newspapers published in the cities of Charlestown and Roxbury, of a time and place for hearing, so that all persons interested may appear and be heard in relation to the matters herein mentioned, and shall make report of their doings before the first day of January, one thousand eight hundred and fifty-five, to the governor, who is hereby requested to lay the same before the legislature. Notice to be given.

The expenses of said commission shall be paid on being properly audited by the auditor of the Commonwealth, and approved by the governor and council, and the governor is hereby authorized to draw his warrant for the payment of the same. [*Approved by the Governor, April 7, 1854.*] Pay of commissioners.

Resolve in favor of the Town of Southborough.

Chap. 37.

Resolved, That agreeably to an act passed the twentieth day of April, in the year one thousand eight hundred and thirty-seven, entitled "An Act concerning the Public Health," there be allowed and paid out of the treasury of \$192.32 to town of Southborough.

the Commonwealth, to the town of Southborough, the sum of one hundred and ninety-two dollars and thirty-two cents, and that the governor draw his warrant accordingly. [*Approved by the Governor, April 10, 1854.*]

Chap. 38.

Resolve in favor of William H. Copeland.

\$350 to Wm. H. Copeland, of Salem, for injuries received.

Resolved, For reasons set forth in the petition of Asahel Huntington and others, that there be allowed and paid out of the treasury of the Commonwealth, to William H. Copeland, of Salem, in the county of Essex, one hundred and fifty dollars on the first day of June next, and the sum of one hundred dollars a year for the next two succeeding years, in consideration of injuries and expenses sustained by him in the performance of his official duties; said sums to be in full for all claims against the Commonwealth for such injuries and expenses, and that the governor draw his warrant therefor accordingly.

SECRETARY'S DEPARTMENT, April 10, 1854.

Resolve legalized.

The foregoing Resolve was laid before the governor on the fourth day of April, 1854, and by him returned without approval, the tenth day of the same month, and consequently, in compliance with the constitution, passes into full effect.

E. M. WRIGHT,

Secretary of the Commonwealth.

Chap. 39.

Resolves concerning the Independent Companies of Cadets, attached to the First and Second Divisions of the Massachusetts Volunteer Militia.

Company of cadets in first division may choose additional officers.

Resolved, That in addition to the officers now allowed, by law or usage, to the Independent Company of Cadets, attached to the First Division of the Massachusetts Volunteer Militia, the said company may have a quarter-master, who shall be elected by the members of said company, in manner prescribed by the constitution and laws for the election of company officers, and commissioned by the governor, with the rank of first-lieutenant; and may also have such number of company officers, sergeants, corporals, and musicians, as the commander-in-chief shall, from time to time, deem expedient for the proper drill and discipline of said company, in the school of the battalion. The said

company officers to be elected by the members of said company, in the manner prescribed by the constitution and laws for the election of officers of similar grade; and to be commissioned by the governor, with such rank as he shall determine,—not, however, above the rank of first-lieutenant. And the said sergeants, corporals, and musicians, to be appointed by the commanding officer of said company of Cadets, in manner now provided by law, for the appointment of non-commissioned officers and musicians in other companies of the volunteer militia of this Commonwealth.

Resolved, That in addition to the officers now allowed, by law or usage, to the Independent Company of Cadets, attached to the second division, the said company may have an adjutant, a quarter-master, and a surgeon, severally to be elected by the members of said company, in manner prescribed by the constitution and laws for the election of company officers, and to be commissioned by the governor, with the rank of regimental staff-officers in the volunteer militia of this Commonwealth. And said company may also have such an additional number of company officers, sergeants, corporals and musicians, as the commander-in-chief shall, from time to time, deem expedient for the proper drill and discipline of said company in the school of the battalion. The said company officers to be elected by the members of said company, in manner prescribed by the constitution and laws for the election of officers of similar grade; and to be commissioned by the governor, with such rank as he shall determine,—not, however, above the rank of fourth-lieutenant. And the said sergeants, corporals, and musicians, to be appointed by the commanding officer of said company of Cadets, in manner now provided by law for the appointment of non-commissioned officers and musicians, in other companies of the volunteer militia of this Commonwealth.

[*Approved by the Governor, April 12, 1854.*]

Company in
second division
may choose
additional
officers.

Resolve on the Petition of Edward H. Eldredge, Guardian.

Chap. 40.

Resolved, For reasons set forth in said petition that Edward H. Eldredge, of Dorchester, in the county of Norfolk, guardian of his minor child Rolfe Eldredge, is hereby authorized to sell, at public auction or private sale, on such terms as he shall think most advantageous, and convey to the purchasers thereof, in fee simple, by good and sufficient deeds, all the estate, right, title and interest of said minor child in and to any land or parcels or parcel of land, situate in that part of the town of Newton, in the county of Mid-

E H. Eldridge,
guardian, &c.,
authorized to
sell and convey
real estate.

Proviso.

dlex, called Newton Corner, and bounding upon, adjacent to, or in the immediate neighborhood of either of the streets named, or called, Eliot Street, Church Street, Park Street, Brighton Street, Washington Street, Elm Street, or Pine Street: *provided, however*, that the said guardian shall first give bond, with good and sufficient surety or sureties, to the judge of probate of said county of Norfolk, to be approved by said judge, with condition that the said guardian shall faithfully execute the power herein granted, and shall render to the judge of probate, for the time being, of said county of Norfolk, an account, under his oath, of the proceeds of all sales, made under this Resolve, within one year from the time of such sales, respectively, and at such other times as said judge may direct; and shall apply and invest such proceeds, and account for and pay over the same, when required, according to law, and shall discharge his trust in relation to the premises, faithfully, for the best interests of his said ward; and *provided, further*, that when the principal sums derived from such sales shall amount to the sum of five thousand dollars, exclusive of the interest that may have accrued thereon, the power and authority hereby granted shall terminate. [*Approved by the Governor, April 12, 1854.*]

Provided, also.

Chap. 41. Resolve concerning the Payment of the Expenses of Benjamin Hawks, during his Sickness.

§18 to Benjamin Hawks.

Resolved, That there be paid out of the treasury of this Commonwealth, to Benjamin Hawks, of Templeton, member of the House of Representatives, the sum of eighteen dollars, to defray the expenses of his sickness during the present session of the legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, April 12, 1854.*]

Chap. 42. Resolve concerning the Payment of Expenses of Benjamin Allen, during his Sickness.

§50 to Benjamin Allen.

Resolved, That there be paid out of the treasury of the Commonwealth, to Benjamin Allen, a member of this House from Ashby, the sum of fifty dollars, for the payment of expenses during his late sickness; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 12, 1854.*]

Resolve concerning the Payment of Expenses of Ezra Cary, during his Sickness. *Chap. 43.*

Resolved, That there be paid out of the treasury of the Commonwealth, to Ezra Cary, a member of this House from Enfield, the sum of seventy-two dollars for the payment of expenses during his late sickness; and that the governor be authorized to draw his warrant accordingly. *§72 to Ezra Cary.*
[Approved by the Governor, April 12, 1854.]

Resolves in relation to the Preservation of Cape Cod Harbor. *Chap. 44.*

Resolved, That the senators from this Commonwealth, in the congress of the United States, be instructed, and the representatives be requested, to use their influence to procure an appropriation of twenty-five thousand dollars, for the purpose of preventing the destruction of Cape Cod Harbor. *Preservation of Cape Cod harbor.*

Resolved, That his excellency the governor be, and he is hereby, requested to transmit to each of the senators and representatives of this Commonwealth a copy of these Resolves, and also the report of the commissioners concerning said harbor, which were appointed at the last session of the general court of Massachusetts. *To whom transmitted.*
[Approved by the Governor, April 12, 1854.]

Resolves for the Pay of the Council, Senate, and House of Representatives. *Chap. 45.*

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the senate and house of representatives, three dollars a day for each and every day's attendance during the present political year, and two dollars for every ten miles' travel, from their respective places of abode, once in each session, to the place of the sitting of the general court; and also to each member of the council, three dollars for each and every day's attendance at that board, at each session thereof, during the present political year, and two dollars for every ten miles' travel, from their respective places of abode, once in each session thereof; and to the president of the senate, and to the speaker of the house of representatives, each, the sum of three dollars a day for every day's attendance, in addition to their pay as members, and that warrants be drawn accordingly. *Pay of members of senate and house, and mileage.*
Pay of council.
President of senate and speaker of house.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the clerk of the senate, and to the clerk of the house of representatives, each, the sum of ten dollars a day; to the assistant clerk of the sen- *Pay of clerks and assistants.*

ate, six dollars, and to the assistant clerk of the house of representatives, the sum of seven dollars a day, for each and every day they have been or may be employed in that capacity, during the present session of the present legislature; and to the clerks of the two branches, the same sum per day as is herein provided for those officers, for such further time as they may be employed, not exceeding twelve days after the rising of the general court, in arranging the papers and documents of the session; and that there be further paid to the clerk of the senate and to the clerk of the house of representatives, the sum of one hundred and fifty dollars each, for preparing duplicate copies of the Journals for the library, as required by the orders of the two houses; and to the clerk of the house of representatives, such additional sum as he may have paid for the preparation for printing of that portion of the Journal which was prior in date to that of the order requiring it to be printed; and that warrants be drawn accordingly.

Pay of clerks
for arranging
papers.

Pay of clerks
for copying
journals.

Additional to
clerk of house.

Pay of chap-
lains.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplains of the senate and house of representatives, each, one hundred and twenty-five dollars, for their services during the present session; and that warrants be drawn accordingly. [*Approved by the Governor, April 12, 1854.*]

Chap. 46.

Resolve in favor of the Town of Pelham.

§54.75 as pro-
portion of
school fund.

Resolved, That there be allowed and paid out of the school fund of this Commonwealth, to the treasurer of the town of Pelham, the sum of fifty-four dollars seventy-five cents, being the amount due said town, as their proportion of the school fund for the year eighteen hundred and fifty-two; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 12, 1854.*]

Chap. 47.

Resolve in favor of the Town of Fall River.

§312.97 paid to
Fall River.

Resolved, That, for reasons set forth in the petition, and agreeably to an act passed April twentieth, in the year one thousand eight hundred and thirty-seven, entitled "An Act concerning the Public Health," there be allowed and paid out of the treasury of the Commonwealth, to the town of Fall River, the sum of three hundred and twelve dollars and ninety-seven cents; and that the governor draw his warrant accordingly. [*Approved by the Governor, April 12, 1854.*]

Resolve in favor of the City of Cambridge.

Chap. 48.

Resolved, That agreeably to an act passed April twentieth, in the year one thousand eight hundred and thirty-seven, entitled "An Act concerning the Public Health," there be allowed, and paid out of the treasury of the Commonwealth, to the city of Cambridge, the sum of eight hundred and sixty dollars and thirty-eight cents, and that the governor draw his warrant accordingly. [*Approved by the Governor, April 12, 1854.*]

\$860.38 paid to Cambridge.

Resolve concerning the Payment of Expenses of Benjamin Blaney, during his Sickness. *Chap. 49.*

Resolved, That there be paid out of the treasury of the Commonwealth, to Benjamin Blaney, member of this House from Boston, the sum of forty-eight dollars, for the payment of his expenses during his late sickness; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 12, 1854.*]

Resolve on the Petition of Daniel C. Baker, Guardian.

Chap. 50.

Resolved, For reasons set forth in the said petition, that Daniel C. Baker, of Lynn, in the county of Essex, guardian of Jacob Chase, Lucy A. Chase, and Edward F. Chase, minor children and heirs of John B. Chase, late of said Lynn, deceased, is hereby authorized and empowered to sell and convey to James B. Chase, of said Lynn, all the right, title and interest of the said Jacob, Lucy A., and Edward F., in a certain parcel of land, situate in said Lynn, and bounded southerly on land of said James B. Chase, about five rods, westerly on land of M. C. Butman and Gideon Phillips, about forty-two rods, northerly on land now or late of Abigail and Hannah Silsbee, about three rods, and easterly on lands of Micajah C. Pratt, and others; and to execute such deed or deeds as may be necessary for the conveyance of the same. [*Approved by the Governor, April 12, 1854.*]

Guardian authorized to sell all right, title, &c.

Resolve for Paying the Expenses of the State Reform School.

Chap. 51.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the State Reform School, to enable them to satisfy existing claims against the institution, and to meet its current expenses, the sum of twenty-one thousand two hundred dollars, forthwith; and the further sum of thirty-three thousand dollars,

\$54,200 paid to trustees.

in payments of three thousand dollars, on the first day of each month, commencing with the month of May; and that a warrant or warrants be drawn accordingly. [*Approved by the Governor, April 12, 1854.*]

Chap. 52. Resolves for the Establishment of a State Reform School for Girls.

Resolved, That the sum of twenty thousand dollars be, and the same hereby is, appropriated for the establishment of a State Reform School for girls, similar in purpose to the State Reform School for boys, at Westborough: *provided*, that an equal amount shall be raised, for the same purpose, by individual donation, or otherwise, within six months from the passage of these Resolves, and a satisfactory certificate thereof shall be made to the governor and council.

Resolved, That on receipt of such certificate, his excellency the governor, with the advice of the council, be authorized to appoint three commissioners, to select and determine the location, and said commissioners shall prepare plans and estimates of the buildings necessary for this institution, and a system for its organization and government, to be submitted to the next legislature, at the beginning of the session thereof.

Resolved, That said commissioners be directed to present their accounts to the governor and council, to be by them audited and allowed, as they shall deem reasonable; and the governor is hereby authorized to draw his warrant on the treasurer for the payment of the same. [*Approved by the Governor, April 12, 1854.*]

Chap. 53. Resolve concerning the Journals of the Senate and the House of Representatives.

Resolved, That the copies or duplicates of the Journals of the Senate and the House of Representatives hereafter made, to be deposited in the State library, shall be examined and certified to be fair, legible and true copies or duplicates, by the librarian or assistant librarian of the State library, for the time being, before the person authorized or required to make such copies or duplicates, shall receive any compensation for making the same. [*Approved by the Governor, April 12, 1854.*]

Chap. 54. Resolve concerning the Payment of Expenses of John Adams, during his Sickness.

Resolved, That there be paid out of the treasury of the Commonwealth, to John Adams, a member of this House

from Marblehead, the sum of twenty-four dollars, for the payment of expenses during his late sickness; and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, April 12, 1854.]

Resolve for the Payment of the Contingent Expenses of the Council, Chap. 55.
Legislature, and various Offices in the State House, for the year one thousand eight hundred and fifty-four.

Resolved, That there be paid out of the treasury of the Commonwealth, to the sergeant-at-arms, a sum not exceeding two thousand dollars, to enable him to defray certain contingent expenses for the general court and the various offices in the State House, during the present year; and also to pay any sum not covered by the appropriations made for the same purposes in the year one thousand eight hundred and fifty-three; and that warrants be drawn accordingly. [Approved by the Governor, April 12, 1854.] \$2,000 for contingent expenses, &c.

Resolves in Relation to Officers, Soldiers, and others, who served in the War of 1812. Chap. 56.

Resolved, That in the disposal of the public lands by the congress of the United States, the claims of the surviving officers, soldiers and sailors, who served in the war of 1812, and of the widows of such deceased officers, soldiers and sailors, ought not to be disregarded or overlooked, and that all such officers, soldiers, sailors and widows, should be entitled to the same bounty from the general government as has been extended to the soldiers in the late Mexican war. Pension for services in war of 1812.

Resolved, That the benefits of the pension system which was established for the soldiers of the war of the Revolution, should be extended to the officers, soldiers and sailors of the war of 1812, and to their respective widows. Extension of pension system.

Resolved, That his excellency the governor be requested to transmit a copy of these Resolves to each of our senators and representatives in congress, and to each of the governors of the several States. [Approved by the Governor, April 13, 1854.] Governor to transmit copy of resolves.

Resolve relating to an Educational Exhibition.

Chap. 57.

Resolved, That the secretary of the board of education be authorized to furnish, for the educational exhibition to be holden in London, in the month of June next, under the direction of the council of the Society of Arts in Great Britain, such school books, maps, diagrams, apparatus, Books, maps, &c., to be furnished for educational exhibition in London.

Proviso.

models of school buildings, and whatever other articles he may deem it expedient to furnish, illustrative of the instruction, management and condition of the public schools of Massachusetts, and in aid of the objects of said exhibition: *provided, however*, that the expense to the Commonwealth, of procuring and forwarding said articles, shall not exceed two hundred dollars. [*Approved by the Governor, April 13, 1854.*]

Chap. 58.

Resolve in relation to the State Prison.

\$26,000 for liquidating debts, &c.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for the purpose of liquidating the indebtedness of the State Prison, for completing the fitting up of the new hospital, and to introduce steam-pipes into the workshops, the sum of twenty-six thousand dollars; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 15, 1854.*]

Chap. 59.

Resolve concerning the Payment of Expenses of Gilbert Lincoln, during his Sickness.

Resolved, That there be paid out of the treasury of the Commonwealth, to Gilbert Lincoln, a member of the house of representatives from Upton, the sum of thirteen dollars, for the payment of expenses during his sickness; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 20, 1854.*]

Chap. 60.

Resolves concerning the Massachusetts Claim.

Senators and representatives to urge payment of claim.

Resolved, That the claim of Massachusetts upon the general government for disbursements and expenses incurred by this State in the last war with Great Britain, having been examined and allowed by the proper officer of that government, sixteen years ago, should be paid without further delay; and that our senators and representatives be requested to urge this claim upon the two houses of congress, and to persevere in their efforts until this act of simple justice to the people of this State shall be done.

Governor to forward copies, &c.

Resolved, That his excellency the governor be requested to forward a copy of these resolves to our senators and representatives, and request them to lay them before congress, for their consideration. [*Approved by the Governor, April 20, 1854.*]

Resolve providing for Improvements at the State Prison.

Chap. 61.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for improvements at the State Prison, the sum of thirty-six thousand dollars, the same to be expended by the warden and board of inspectors of the State Prison; and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, April 20, 1854.]

\$36,000 appropriated.

Resolve on the Accounts of the Land Agent.

Chap. 62.

Resolved, That Samuel Warner, Junior, land agent of this Commonwealth be, and he is hereby, discharged from the payment of the sum of six hundred and sixty-one thousand two hundred and fifty dollars and seventy cents, being the sum specified as received, in his account rendered, from the first day of January in the year one thousand eight hundred and fifty-three, to the first day of January in the year one thousand eight hundred and fifty-four, as follows, namely: two hundred and ninety-eight thousand seven hundred and fifty dollars and seventy cents, which was received by such agent for sales of land and timber in the State of Maine, and paid by him to the treasurer of the Commonwealth, after making deduction for his services and incidental charges; and three hundred and sixty-two thousand and five hundred dollars, paid by the State of Maine to the treasurer of this Commonwealth, for lands sold to said State. [Approved by the Governor, April 21, 1854.]

Discharged from payment of certain sum.

Resolves concerning the State Normal School-houses at Framingham and Westfield.

Chap. 63.

Resolved, That the sum of five thousand dollars be appropriated to defray the expense of the erection and furnishing the State Normal School-house at Framingham, and for grading, fencing and improving the grounds attached thereto.

\$5,000 for school-house at Framingham.

Resolved, That the sum of five hundred dollars be appropriated for repairs and improvements to be made upon the State Normal School-house at Westfield, and that the sums aforesaid be disbursed under the direction of the board of education.

\$500 for repairs at Westfield.

Resolved, That eight hundred dollars annually, for two years from the first day of January last, be appropriated for the support of the State Normal Schools, in addition to the amount already appropriated for that object. [Approved by the Governor, April 21, 1854.]

\$800 annually for two years, for support of schools.

Chap. 64. Resolves concerning the Insane in this Commonwealth, and the State Lunatic Hospital, at Worcester.

Commissioners
to ascertain
and report, &c.

Resolved, That his excellency the governor, with the advice of the council, be requested to appoint three commissioners, to ascertain and report the number and condition of the insane in this Commonwealth, distinguishing, as accurately as may be, between the insane, properly so considered, and the idiotic or *non compos*, and between the furious and harmless, curable and incurable, native and foreign, and the number of each who are State paupers; also to examine into the present condition of the hospitals of the State for the insane, what number of patients can properly, and with due regard to their comfort and improvement, be accommodated in said hospitals, and what further accommodations, if any, are needed for the relief and care of the insane, and generally to examine and report the best and most approved plans for the management of the insane, so far as the size and character of hospitals, and the number of patients proper to be under the management of one supervision, are concerned. And whereas the present condition of the State Lunatic Hospital at Worcester, is represented by the trustees thereof to be such as renders it altogether unsuitable and unsafe for the purposes for which it is used, without the expenditure of a large sum of money, and that a much more eligible location for a hospital can be selected,

Expediency of
disposing of
hospital at
Worcester.

Resolved, That said commissioners be authorized to consider the expediency of disposing of the present State Lunatic Hospital, at Worcester, and the lands therewith connected, or any part thereof, and of recommending a site for the erection of a new hospital or hospitals.

To report, &c.

Resolved, That said commissioners be directed to report to the governor and council, on or before the commencement of the session of next general court, and to accompany their report with plans and specifications, and estimates, of cost of any new hospital which they may recommend, or of any repairs which they may judge to be necessary to the existing hospital; also to report the estimated proceeds of the sale of the present hospital and property therewith connected, if they deem such sale desirable. [*Approved by the Governor, April 24, 1854.*]

Chap. 65. Resolve concerning the Quartermaster-General's Department.

\$4,600 to defray expenses of department.

Resolved, That the sum of four thousand and six hundred dollars be, and the same is hereby appropriated to

defray the expenses of the quartermaster-general's department, for the current year, and that warrants be drawn accordingly. [*Approved by the Governor, April 24, 1854.*]

Resolve in favor of the Estate of Richard Sampson.

Chap. 66.

Resolved, That there be paid out of the treasury of the Commonwealth, to the estate of Richard Sampson, late member of the house of representatives from Middleborough, the sum of seventy-eight dollars and twenty-five cents, to defray the expense of his last sickness and funeral charges; and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1854.*]

Resolve to pay the Expenses of the Sickness and Burial of James N. Tolman, Jr. Chap. 67.

Resolved, That the expenses of the sickness and burial of James N. Tolman, Jr., be paid out of the treasury of this Commonwealth; and that, in addition to the amount which would have been due to him at the end of the present session, for his services as page of the house of representatives, there be allowed the further sum of one hundred dollars, and that the governor be requested to draw a warrant accordingly. [*Approved by the Governor, April 25, 1854.*]

Resolve in relation to Revising and Consolidating the General Statutes of this Commonwealth. Chap. 68.

Resolved, That there be appointed by his excellency the governor, with the advice of his council, three suitable persons, as commissioners, whose duty it shall be to report to the governor, in season to have their report laid before the legislature at its next session, a plan for consolidating and arranging the general statutes of this Commonwealth. Said commissioners shall receive such compensation for their services as shall be allowed them by the council; and the governor is hereby authorized to draw a warrant accordingly. [*Approved by the Governor, April 27, 1854.*]

Plan for consolidating general laws.

Resolve on the Petition of Frederic W. Dickinson and others.

Chap. 69.

Resolved, For the reasons set forth in said petition, that Henry Dawes, of Boston, broker, as he is trustee of Eliza W. Dickinson, of said Boston, widow, be, and he is hereby authorized and empowered to sell and convey, all that por-

Henry Dawes authorized to sell real estate.

tion or share of the real estate of the late Daniel Dickinson, the father of the said Eliza W., the life interest in which the said Eliza W. now enjoys, or formerly enjoyed, under and by virtue of the will of the said Daniel, together with all remainders, vested, contingent or otherwise, which are expectant upon said life estate, she having conveyed her said life interest in a portion thereof, and to change the same from real estate to personal estate, so as to pass a full, complete and absolute title, in fee simple, to the said real estate, to the purchaser or purchasers thereof; free and discharged from all trusts and claims arising under and by virtue of the will aforesaid; he, the said Henry Dawes, first giving bond, with sufficient surety or sureties, to be approved by the judge of probate for the county of Suffolk, conditioned faithfully to exercise the said power, and to apply the proceeds of said sale or sales in the manner and upon the limitations set forth and described in the will of the testator concerning said real estate. [*Approved by the Governor, April 27, 1854.*]

To give bond.

Chap. 70. Resolve authorizing the Treasurer to Borrow Money in anticipation of the State Tax.

Treasurer may borrow money.

Resolved, That the treasurer be authorized to borrow, in anticipation of the State tax, such sums of money as may be necessary, from time to time, for the payment of any public debt which may fall due in the present year, and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided*, that the whole amount borrowed by virtue of this Resolve, and remaining unpaid, shall not at any time exceed the sum of three hundred thousand dollars. [*Approved by the Governor, April 27, 1854.*]

Chap. 71. Resolve concerning the Payment of the Watchmen of the State House.

Resolved, That the watchmen of the State House be paid from the treasury of the Commonwealth, one dollar per day each, for their services as messengers, during the present session of the legislature. [*Approved by the Governor, April 28, 1854.*]

Chap. 72. Resolve concerning the Employment of a Clerk by the Secretary of the Board of Agriculture.

Resolved, That the secretary of the board of agriculture be, and he is hereby authorized to employ a clerk, at such

times as the board may approve, at a compensation not to exceed the rate of six hundred dollars for each year; and the governor is hereby authorized to draw his warrant for payment of the services of such clerk. [*Approved by the Governor, April 28, 1854.*]

Resolves in Favor of Establishing Floating Schools, for the Education of Seamen. *Chap. 73.*

Whereas there is found, in all our commercial ports, to be a great scarcity of seamen who are adequately acquainted with the art of navigation and seamanship, and that our commerce is obviously suffering on account of such scarcity; Floating schools for seamen.

And whereas, in wars with maritime powers, the country must rely, for its success and glory, upon the navy, which must be manned from our mercantile marine; therefore,

Resolved, That it is highly expedient that measures should be taken to encourage youth to engage in this arduous calling, by establishing schools that shall afford facilities for educating them in the rudiments of navigation and seamanship; and the interests of commerce and the navy having been placed by our laws under the guardianship of the general government, it would be appropriate and highly advantageous for congress to patronize the enterprise of encouraging and educating seamen, by establishing floating schools in the principal harbors of the United States.

Resolved, That his excellency the governor be requested to forward a copy of these resolves to our senators and representatives in congress, and request them to lay the same before congress for their consideration. [*Approved by the Governor, April 28, 1854.*] Governor to transmit copies.

Resolve on the Petition of John Mead.

Chap. 74.

Resolved, For the reasons set forth in said petition, that the title to a certain parcel of land, with the appurtenances thereto belonging, situated in Newton, in the county of Middlesex, described in a deed from said John Mead, executor to Harlus W. Witherell, dated the fifteenth day of April, one thousand eight hundred and fifty-three, and recorded with the Middlesex deeds, book six hundred and forty-seven, page three hundred and eighty-two, to which reference is to be had, be, and the same is, hereby confirmed to the said Harlus W. Witherell, his heirs and assigns, and that he and they shall hold the same in fee simple forever. Title to land confirmed.

[*Approved by the Governor, April 29, 1854.*]

Chap. 75.

Resolve in relation to the Old Colony Records.

Compensation
for making in-
dex to Old Col-
ony Records.

Resolved, That the compensation to be paid the register of deeds for the county of Plymouth, for making a complete and common index of all the volumes of the Old Colony Records, which are now severally indexed, and also an index of the book of court actions, never indexed; and of the book of births and burials, be fixed by the governor and council, at such sum or sums as shall be deemed reasonable; and that the governor be authorized to draw his warrant for the payment of the same; any thing in the Resolve, passed on the twentieth day of May, in the year one thousand eight hundred and fifty-two, or any other act or acts, to the contrary notwithstanding. [Approved by the Governor, April 29, 1854.]

Chap. 76.

Resolves concerning the State Library.

Arrangement
of books, maps,
&c.

Resolved, That the commissioners for the enlargement of the State House, be authorized and required to furnish the apartments for the State library with suitable alcoves, galleries, shelves, and other needful conveniences, under the direction of the librarian and trustees of said library; and on the completion of said apartments, the librarian and trustees be authorized to transfer and arrange therein, as they may deem best, all the books, maps, charts, and other things belonging to said library, and to employ such assistance as may be necessary for that purpose.

Catalogue of
library.

Resolved, That the librarian and trustees of the State library be authorized to prepare and print a convenient catalogue of said library, with the most approved classification, and to employ clerical assistance necessary for that purpose; and the governor, with the advice and consent of the council, is hereby authorized to draw his warrant, from time to time, on the treasury, to defray the reasonable extra expense of such transfer, arrangement and catalogue.

Duty of trustees.

Resolved, That the trustees of the State library be authorized, at their discretion, to recall and restore to said library, any works or duplicate volumes deposited in other places under any former resolves, and not make such deposits hereafter. [Approved by the Governor, April 29, 1854.]

Resolve relative to Meteorological Observations.

Chap. 77.

Resolved, That there be allowed and paid out of the treasury, thirty dollars a year, for the term of two years, to each of the persons employed, in full for each year's service hereafter performed, in taking meteorological observations at the thirteen stations now established in Massachusetts: *provided*, that no greater sum than thirty dollars shall be paid for services for one year, at one station, and *provided*, ^{Proviso.} *further*, that the governor shall be reasonably satisfied that the person claiming the appropriation, has taken all the observations and memoranda required by the Smithsonian Institution. And the governor is authorized to draw his warrant for the same. [*Approved by the Governor, April 29, 1854.*]

Resolve concerning the Expenses of the Sickness of Members of the General Court. Chap. 78.

Resolved, That all claims for expenses of sickness of members of the legislature, be presented to the State Auditor for his examination and approval; and the governor is hereby authorized to draw his warrant to pay such claims as shall be approved by the auditor. [*Approved by the Governor, April 29, 1854.*]

Resolve on the Petition of Edward L. Penniman, and Sarah Augusta Penniman, his wife. Chap. 79.

Resolved, For the reasons set forth in said petition, that George Morey, executor of the last will and testament of Montgomery Newell, late of Boston, in the county of Suffolk, deceased, be and he is hereby authorized and empowered in his said capacity, to execute a suitable deed, whereby he shall grant and convey to some suitable person or persons, to be agreed upon by him and the said Edward L. and Sarah Augusta, a certain parcel of land conveyed to said Newell, by an indenture made and concluded on the fifth day of February, in the year eighteen hundred and fifty, by and between William W. Stone of the first part, said Newell of the second part, and said Edward L. and Sarah Augusta of the third part, and recorded in the registry of deeds, for said county of Suffolk, lib. 607, fol. 212, with proper declarations of trust, so that the said grantee or grantees, shall be constituted trustee or trustees in the place and stead of said Newell, to execute and perform all and singular the trusts specified and declared in and by the

\$30 a year, for two years, for taking observations.

Claims to be approved.

George Morey authorized to execute deed.

aforementioned indenture, and by the original indenture therein mentioned, or such of the said trusts as were not executed by said Newell. And such deed so executed by said Morey, as such executor, shall vest the legal fee of the aforementioned parcel of land, in such grantee or grantees, in the same manner, and with the same force and effect, in all respects, as though the same had been executed by the said Newell, in his lifetime, pursuant to the provisions of said indenture. [*Approved by the Governor, April 29, 1854.*]

Chap. 80. Resolve in favor of the Widow of the late Richard Sampson.

Resolved, That the committee on the pay roll be instructed to make up the pay of Richard Sampson, deceased, late member of the house of representatives from the town of Middleborough, to the close of the session, and that the amount be paid to the widow of said deceased. [*Approved by the Governor, April 29, 1854.*]

Chap. 81. Resolve relating to Amendment of the Constitution.

Amendments
to be engrossed

Resolved, That all amendments to the constitution of this Commonwealth which have been, or shall be agreed to by this legislature in the manner prescribed in the Constitution, be engrossed on parchment, signed by the presiding officers of the two branches, "attested by the clerks of the same," and deposited in the office of the secretary of the Commonwealth. [*Approved by the Governor, April 29, 1854.*]

Chap. 82. Resolve for the Appointment of a Commission to consider the Expediency of obviating the Crossings of the Boston and Lowell Railroad Corporation, the Fitchburg Railroad Company, the Boston and Maine Railroad Company, and the Eastern Railroad Company, and the Repeal of so much of the Charters of the same as allows them to cross Causeway Street, in Boston.

Three commis-
sioners ap-
pointed.

Resolved, That the governor, with the advice and consent of the council, is hereby required to appoint a commission of three competent, and skilful, and disinterested persons, whose duty it shall be to examine each one of the places where the railroads of the Fitchburg Railroad Company, or the Boston and Lowell Railroad Corporation, or the Eastern Railroad Company, or the Boston and Maine Railroad Company, may, within two miles of the city of Boston, cross each other, or any one of each, or any railroad, and devise means to obviate any such crossings; also, to consider the justice and expediency of repealing so much of the charters

of such of said corporations as allows their trains to cross Causeway Street, in said Boston.

Said commission is hereby authorized and directed to hear Duty. all the parties interested in the matter of said crossings, and repeal, and for this purpose to give due notice to each of said corporations of the time and place when they will proceed to examine and determine upon said matter, by serving a written notice upon the clerk of each of said corporations, at least fourteen days before such time; and to all other persons, by publishing notice thereof in one or more newspapers published in the city of Boston, for such time as said commission may deem proper; and said commission shall consider, decide, and report to the next legislature of this Commonwealth, the best manner, in their judgment, to obviate said crossings, and what exchanges of railroads, lands, bridges and depots, by either one or all of said corporations, are necessary, one with another, and what further lands or property it may be necessary for any or either of said corporations to take, to effect said purpose, and what sum or sums of money it may be necessary for one or the other of said corporations to pay to any or either of the others, to equalize any exchange of lands, railroads, bridges, or depots, necessary for said purpose; and on what terms and conditions so much of the charters of said corporations as allows their trains to cross said Causeway Street should be repealed, if they shall deem it just and expedient; and in general, all things necessary to be done to accomplish said purposes, in a just and equitable manner. [Approved by the Governor, April 29, 1854.]

Resolve in favor of Dalton Goulding.

Chap. 83.

Resolved, That in consequence of the injuries received by Dalton Goulding, a member of this House from Sherborn, while in the discharge of his legislative duties, there be allowed and paid to him, out of the treasury of the Commonwealth, the sum of one hundred dollars; and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, April 29, 1854.]

Resolve for Repairs upon the State House.

Chap. 84.

Resolved, That the sum of thirteen thousand dollars be, ^{\$13,000 for repairs.} and hereby is appropriated to defray the necessary expense of incidental repairs upon the State House, and for the purchase of necessary articles of furniture during the pre-

sent year, for the use of the legislature, and the various offices connected therewith; and that the same be expended under the direction of the sergeant-at-arms, and the committee on "public buildings." [*Approved by the Governor, April 29, 1854.*]

Chap. 85.

Resolve in aid of the Female Medical Education Society.

\$1,000 paid annually for five years.

Quarterly payments.

Resolved, That the sum of one thousand dollars, annually, for five years from the first day of January, in the year one thousand eight hundred and fifty-five, be appropriated to the Female Medical Education Society, in aid of the medical education of females, by the establishment of forty scholarships; the beneficiaries of which shall be selected from the best qualified applicants, from the senatorial districts, in numbers in accordance with the senatorial apportionment to said districts; to be paid in quarterly payments; the said amount to be deducted from the moiety of the school fund, devoted to educational purposes, and the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, April 29, 1854.*]

Chap. 86.

Resolve on the Petition of George W. Livermore.

Authorized to execute deeds of real estate.

Boundaries of a certain lot of land.

Another lot.

Resolved, For reasons set forth in said petition, that George W. Livermore, of Cambridge, in the county of Middlesex, guardian of Samuel Watson, a person *non compos mentis*, be and hereby is authorized to make, execute and deliver, good and sufficient deeds, to convey in fee simple to the present holders of the parcels of real estate, situate in said Cambridge, and herein-after described, to wit: a certain lot of land, about three acres and twenty-seven rods in area, conveyed to John Davenport by warranty deed, dated April eighth, in the year eighteen hundred and thirty-six, and recorded with Middlesex deeds in book three hundred and fifty-two, at page two hundred and thirty-eight. Said lot is bounded and described as follows, to wit: beginning at a corner next the old county road, thence running north-westerly, three rods, twenty-three links, by said road and Kidder's Lane; westerly, by said lane, twenty rods; south, by said lane, six rods; then south, or south-west, one rod and twenty links; south-east, twenty rods and five links, by land of H. Potter; then south-east, eleven rods and twenty links, by said Davenport's land; then north-east, thirty-two rods and sixteen links, to the point of beginning. Also, a certain other lot, conveyed to Edwin Evans, by warranty deed, dated March second, in the year eighteen hundred and

thirty-six, and recorded as aforesaid, in book three hundred and fifty-one, at page one hundred and fifty-six, bounded as follows, to wit: south-easterly, ninety feet by land of Lot Hayden, and land of Gamaliel Merritt; north-easterly, one hundred and twenty-two feet and six inches, by land of Roland Litchfield, and land of W. P. Dana; north-westerly, ninety feet, by land of Jacob Nudd; south-westerly, one hundred and twenty-two feet and six inches, being lot numbered "three" and part of lot numbered "four" (on Tufts's plan) of the series of numbers on Sun Street. Also, a certain other lot, conveyed to Elijah Johnson by warranty deed, dated September fourteenth, in the year eighteen hundred and thirty-six, and recorded as aforesaid, in book three hundred and fifty-eight, at page four hundred and thirty-eight, bounded as follows, to wit: north-westerly, sixty feet in Grove Street; north-easterly, one hundred feet on Cottage Street; south-easterly, sixty-eight feet and two inches, by land of grantors, and south-westerly, one hundred feet and four inches, by land of Thomas Warland, being the most westerly lot of a series of lots on west side of Sun Street, (on Hayward's plan,) containing about six thousand four hundred and sixteen square feet. Also, a certain other lot, conveyed to Jacob Nudd, by warranty deed, dated August ninth, in the year eighteen hundred and thirty-six, and recorded as aforesaid, in book three hundred and fifty-four, at page four hundred and eighty, bounded as follows, to wit: south-easterly, ninety feet by land of E. Evans; north-easterly, one hundred and twenty-two feet and six inches, by land of Samuel Hancock, and land late of William Dana; north-westerly, ninety feet by Magazine Street, and south-westerly, one hundred and twenty-two feet and six inches, by William Street, being lot numbered "four," and part of lot numbered "three" (on Tufts's plan) of the series of lots on the north-west side of Sun Street. Also, a certain other lot, conveyed to Charles Valentine, by warranty deed, dated June twenty-third, in the year eighteen hundred and thirty-five, and recorded as aforesaid, in book three hundred and sixty-nine, at page two hundred and ninety, bounded as follows, to wit: south-easterly, one hundred and eighty feet, on Magazine Street; south-westerly, from one forty foot street to another; then north-westerly, from said Magazine Street, one hundred and eleven feet on each of said forty foot streets, being lots numbered "twelve" and "twenty-one," and eleven feet into lots numbered "eleven" and "twenty-two" (on Tufts's plan) of a series of lots on the north-west

- Another lot. side of Sun Street. Also, a certain other lot conveyed to William Hovey, Jr., and Larnard F. Markham, by warranty deed, dated July seventh, in the year eighteen hundred and thirty-eight, and recorded as aforesaid, in book three hundred and seventy-six, at page nine, bounded as follows, to wit: beginning on William Street, one hundred and seventy-one feet from Magazine Street; thence running north-westerly, on south-west side of said street, one hundred and twenty feet; then south-westerly, ninety feet; then south-easterly, one hundred and twenty-five feet; then north-easterly, ninety feet, to the point of beginning. Also, a certain other lot conveyed to William Hovey, Jr., and Larnard F. Markham, by warranty deed, dated October first, in the year eighteen hundred and thirty-eight, and recorded as aforesaid, in book three hundred and seventy-seven, at page one hundred and eighty, bounded as follows, to wit: north-easterly, fifty feet on a forty foot street; north-easterly, sixty-eight feet, more or less, by land of Elijah Johnson; south-westerly, seventy-two feet, by land of grantors, on a line parallel with the north-westerly line of said lot, and south-westerly, by land of the heirs of Thomas Warland.
- Another lot. Also, a certain other lot, conveyed to William Hovey, Jr., and Larnard F. Markham, by warranty deed, dated May seventeenth, in the year eighteen hundred and thirty-nine, and recorded, as aforesaid, in book three hundred and eighty-one, at page five hundred and forty-three, lying on the south-westerly side of Cottage Street, and bounded as follows, to wit: beginning one hundred and fifty feet south-westerly from junction of said street with Grove Street, and running a south-easterly course, on the south-westerly side of said Cottage Street, one hundred and twenty-six feet; then at a right angle, south-westerly, in a straight line, eighty-three feet, more or less, to land of heirs of Francis Dana, or of heirs of Thomas Warland, bounded south-easterly by other land of grantors; then north-westerly, on the north-easterly side of said land of said heirs of Thomas Warland, to land conveyed by said grantors to said Hovey and Markham; then north-easterly, bounded north-westerly by said land of said Hovey and Markham, seventy-two feet and six inches, more or less, to the point first mentioned. Also, a certain other lot of land, conveyed to William B. Hovey, by warranty deed, dated June twenty-ninth, in the year eighteen hundred and forty, and recorded as aforesaid, in book three hundred and ninety-five, at page seven, bounded as follows, to wit: beginning one hundred feet west from junction of
- Another lot.

Magazine Street with William Street, (as shown on Wadsworth's plan,) running on south-westerly side of said William Street, north-westerly, sixty feet; then south-westerly, on the south-east side of land of grantors, ninety feet; thence north-westerly, on the south-westerly side of land of said grantee, sixty feet; then south-westerly, on the south-easterly side of land of the grantors, twenty feet; thence south easterly, by north-easterly side of land conveyed by grantors to William Hovey, Jr., and Larnard F. Markham, one hundred and twenty feet; thence north-easterly, on the north-westerly side of land of Charles Valentine, one hundred and ten feet, to the point first mentioned. Also, a Another lot. certain other lot, conveyed to William Hovey, Jr., and Larnard F. Markham, by warranty deed, dated June twenty-ninth, in the year eighteen hundred and forty, and recorded as aforesaid, in book three hundred and ninety-five, at page sixty-three, bounded as follows, to wit: beginning one hundred and eleven feet from the junction of Magazine Street with Cottage Street; thence north-westerly, on the north-east side of said Cottage Street, one hundred and twenty feet; then north-easterly, seventy feet, bounded on the north-west by other land of grantors; thence south-easterly one hundred and twenty feet, bounded north-easterly by land conveyed by grantors to William B. Hovey; then south-westerly, seventy feet to first mentioned point on Cottage Street, bounded on the south by land of Charles Valentine. Also, a certain other lot, conveyed to Nathaniel S. Ewer, by Another lot. warranty deed, dated May twenty-second, in the year eighteen hundred and forty-three, and recorded, as aforesaid, in book four hundred and twenty-seven, at page five hundred and fourteen, bounded as follows, to wit: beginning at a point on the north-easterly side of Cottage Street, one hundred and eleven feet west from its junction with Magazine Street; thence running north-westerly forty feet; thence north-easterly, seventy feet, bounded north-westerly by other land of grantors; then south-easterly, forty feet, bounded north-easterly by land of William B. Hovey; thence south-westerly, seventy feet, to point first mentioned, bounded south-easterly by land of Charles Valentine, as shewn in Wadsworth's plan. Also, a certain other lot, conveyed to Another lot. Samuel P. Estabrook, by warranty deed, dated December second, in the year eighteen hundred and forty-three, and recorded as aforesaid, in book four hundred and thirty-five, at page one hundred and forty-six, bounded as follows, to wit: beginning at a point one hundred and fifty feet north-westerly

- from the junction of Cottage Street with Magazine Street; thence running north-westerly on the north-easterly side of said Cottage Street, forty feet; thence north-easterly, seventy feet, bounded north-westerly by other land of the grantors; thence south-easterly, bounded north-easterly by land of William B. Hovey, forty feet; thence south-westerly, bounded south-easterly by land of Nathaniel Ewer, seventy feet, to point first mentioned. Also, a certain other lot, conveyed by warranty deed, dated December nineteenth, in the year eighteen hundred and forty-three, lying on the north-easterly side of William Street, measuring fifteen feet on said street, by ninety feet deep, bounded north-westerly by other land of the grantors, and south-easterly by land of the grantee, the most southerly corner of said lot on William Street being two hundred feet westerly from the junction of said William Street with Magazine Street; said deed being recorded, as aforesaid, in book four hundred and forty-seven, at page four hundred and sixty-five. Also, a certain other lot, conveyed to Charles W. Smith, by warranty deed, dated September sixteenth, in the year eighteen hundred and forty-four, and recorded, as aforesaid, in book four hundred and forty-nine, at page three hundred and eighty-two, bounded north-easterly by Cottage Street, fifty-six feet; north-westerly eighty-three feet and two inches, by land conveyed by the grantors to William Hovey, Jr., and Larnard F. Markham; south-easterly eighty-seven feet and ten inches, by other land of the grantors, on a line parallel with the last mentioned line, and south-westerly by land now or late of the heirs of Francis Dana. Also, a certain other lot, conveyed to Robert Carson, by warranty deed, dated June eleventh, in the year eighteen hundred and forty-five, and recorded, as aforesaid, in book four hundred and sixty-six, at page one hundred and ninety-one, bounded as follows, to wit: beginning at the junction of Pearl and Watson Streets, thence running south-westerly on the south-easterly side of said Pearl Street, fifty feet; thence south-easterly, on a line parallel with said Watson Street, one hundred feet; thence south-westerly, on a line parallel with said Pearl Street, one hundred feet, to said Watson Street; thence north-westerly, on the south-westerly side of said Watson Street, one hundred and twenty-two feet, to the point of beginning, being the north-easterly half of lot numbered "twenty," and a portion of the north-westerly side of lot numbered "twenty-one" on Tufts's plan. Also, a certain other lot, conveyed to Jacob Nudd and Jacob Eaton, by war-

ranty deed, dated May first, in the year eighteen hundred and forty-five, and recorded, as aforesaid, in book five hundred, at page two hundred and thirty-six, situate on the north-easterly side of William Street, measuring thirty feet on said street, by ninety feet deep, bounded north-westerly by other land of the grantors, and south-easterly by land sold by the grantors to Horace Hews, the most southerly corner of said lot on William Street being two hundred and fifteen feet westerly from the junction of said street with Magazine Street, as per Wadsworth's plan. Also, a certain other lot, Another lot. conveyed to Jacob Eaton and Jesse Haley, by warranty deed, dated February sixteenth, in the year eighteen hundred and forty-seven, and recorded, as aforesaid, in book five hundred, page two hundred and thirty-eight, bounded as follows, to wit: beginning at a point two hundred and fifty-six feet westerly from the junction of Cottage with Magazine Street; thence north-easterly, by the north-westerly side of the land of W. H. Hovey, ninety feet; thence north-westerly on a line parallel with said Cottage Street, one hundred and eighty-eight feet and eight inches, more or less, to the Brighton Road; thence westerly, by the side of said Brighton Road, ninety-five feet and six inches, to Grove Street; thence south-westerly, by the side of said Grove Street, four feet and four inches, to said Cottage Street; thence south-easterly, by said Cottage Street, two hundred and thirty-one feet and two inches, to the point first mentioned, as delineated on Wadsworth's plan. Also, a certain Another lot. other lot, conveyed to Joseph Osborne, by warranty deed, dated March twentieth, in the year eighteen hundred and forty-six, and recorded, as aforesaid, in book five hundred and ten, at page one hundred and thirteen, bounded as follows, to wit: beginning at a point one hundred feet westerly from the junction of William Street with Pearl Street; thence westerly, on the side of said William Street, fifty feet, by ninety in depth, bounded north-westerly and south-westerly by other land of the grantors; south-easterly by land of Charles Valentine; and north-easterly by William Street. Also, a certain other lot, Another lot. conveyed to George Cummings, by warranty deed, dated April fourteenth, in the year one thousand eight hundred and forty-seven, and recorded, as aforesaid, in book five hundred and ten, at page one hundred and forty-seven, measuring fifty-five feet on William Street, by ninety feet in depth, the most northerly point on said street being ninety feet south-easterly from the junction of said street with Magazine Street, bounded

Another lot.

north-westerly ninety feet by land of Charles Wood, and south-westerly fifty-five feet by other land of the grantors, and north-easterly by said William Street. Also, a certain other lot conveyed to Charles W. Smyth, by warranty deed, dated April first, in the year eighteen hundred and forty-six, and recorded as aforesaid, in book five hundred and thirteen, at page thirty, bounded as follows, to wit: beginning at a point one hundred feet westerly from the junction of Cottage with Magazine Street, thence westerly on the south-west side of said Cottage Street, fifty-six feet and nine inches, to land of the grantee, said lot being in depth ninety-two feet and eight inches on its south-easterly side, to land of the heirs of Francis Dana, and eighty-seven feet and ten inches on its north-westerly side, bounded north-westerly by land of the grantee, and south-easterly by other land of the grantors. Also, a certain other lot, conveyed to Jacob

Another lot.

Nudd by warranty deed, dated January twenty-seventh, in the year eighteen hundred and forty-six, and recorded as aforesaid, in book five hundred and ten, at page four hundred and eighty-three, situate at the corner of William Street and Brighton Road; bounded south-westerly, by said William Street, one hundred and thirty-five feet and five inches; south-easterly, by land of the grantee, ninety feet; north-easterly, by land of the grantee, ninety feet and eleven inches; and northerly, by said Brighton Road, one hundred feet and six inches. Also, a certain other lot, conveyed to William

Another lot.

B. Hovey, by warranty deed, dated May first, in the year eighteen hundred and forty-six, and recorded as aforesaid, in book five hundred and seventy, at page one hundred and sixty-eight, one hundred and sixty-nine, bounded as follows, to wit: beginning at a point on William Street, two hundred and ninety-one feet, west from the junction of said street with Magazine Street; thence south-westerly by the north-west side of land now or late of Nathan Fisk, ninety feet; thence north-westerly on a line parallel with said William Street and by the north-easterly side of other land of the grantors, one hundred and fifty-three feet and ten inches, to the Brighton Road; thence easterly, by the southerly side of said road, one hundred feet, to said William Street; then south-easterly by said William Street, one hundred and nine feet and two inches, to the starting point. All the right, title and interest of the said Samuel, in and to the said parcels, being one undivided fourth part thereof, a full and adequate consideration for the same, having been heretofore paid to his use. [*Approved by the Governor, April 29, 1854.*]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY EMORY WASHBURN.

REPRESENTATIVES' CHAMBER, Jan. 12, 1854.

At one o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in convention, and delivered the following

ADDRESS.

Gentlemen of the Senate

and the House of Representatives :—

Having been honored by an election to the office to the performance of whose duties I have just taken and subscribed the requisite oaths, I deem this a fitting occasion, in conformity with a time-honored usage, to call your attention to some considerations which should be regarded in conducting the affairs of the Government.

Hitherto, a gracious Providence has watched over the interests of our Commonwealth, and to that guidance we ought to look, in our endeavors to promote her welfare and her honor.

The trust committed to us is worthy of our highest efforts, and our reward should be sought in the consciousness

of having devoted to it the zeal and fidelity of willing and sincere minds.

Coming, as I do, from the engrossing duties of a profession whose business it is to interpret existing laws, rather than to devise new ones, I cannot be expected, at this stage of our official relation, to offer many suggestions respecting the business of the session.

Should new developments be hereafter disclosed, affecting the interests of the Commonwealth, it will become an agreeable duty to lay them before you to aid you in your deliberations.

Fortunately, we have, already, the means of accurately comprehending the nature of the high duties which devolve upon the respective branches of the government.

We have for our example, that course of wise legislation under which our Commonwealth has so eminently prospered. And we have, too, an unerring guide in the sound political principles which the Constitution, with signal wisdom and foresight, has embodied in its provisions.

In view of the general agitation which has exercised the public mind during the past year, it seems to me proper, at this time, to refer, briefly, to some of those leading principles, and the extent to which they have become incorporated into the legislation of the Commonwealth. Nor, I trust, will the examination be deemed ill-timed, or the topic too hackneyed or familiar.

In doing this, we cannot fail to admire the skill with which the elements of a free and independent government are inwrought into that instrument, and the foresight which, through a popular representation, anticipates and supplies the wants of a thriving Commonwealth.

It assumes that the people will have intelligence and honesty enough to make wise laws, and therefore, prescribes only in general terms, the limits within which the power may be exercised.

The Constitution recognizes the sacred relation of Man to his Maker, the maintenance of a sound morality, the universal diffusion of knowledge, and the guaranty of life, liberty, and the right of property to all, as the elementary principles of a free government. And the past history of the Commonwealth illustrates the harmony with which the grand conception of making, interpreting and administering laws for these high purposes, by fixed and intelligible rules, has been carried out.

The results of this action of the government, legislative,

judicial and executive, have won for her the honored appellation of a "Model Commonwealth."

There might, after so many years of legislation, seem to be little occasion for the enactment of new statutes. But the experience of each year proves the impossibility of anticipating completely the increasing necessities of the State; and the very existence of unsupplied wants is, in itself, an evidence of its rapid growth in population and resources.

This necessity demonstrates the intimate connection there is between the administration of a government and the business prosperity of its citizens, and you are now assembled to inquire into these wants, and to supply them as far as practicable.

Within the limited range of action left you by the Constitution, it will not ordinarily be difficult to discriminate between the actual exigencies of the Commonwealth and those speculative reforms, which derive their importance from momentary impulse rather than the conviction of the people's judgment.

If we analyze the Constitution, and the course of legislation under it, we shall find that, while the law leaves the inner light of conscience where it belongs, and every individual is secure in the free and unmolested exercise of his own form of worship, little remains for legislation upon the subject of religious faith; for though an element in the government, neither sect nor denomination are recognized in the dispensation of civil rights or political power.

In the field of Morals there is a wider scope for action, though it is not, always, easy to determine what will serve the public good, or meet the actual demands of the public will.

So far as positive crimes are concerned, little remains for consideration beyond, perhaps, the nature and degree of punishment. And the same may be said of a pretty large class of acts which are declared penal, simply because of their effect upon society.

In respect to one class of these,—the obtaining of goods by false pretences under the form of purchase,—it may be proper to inquire if a regard to the security of both parties does not require that the representation by which it is sought to charge the purchaser, should be made in writing, in order to his being convicted of a crime of so serious a character.

Beyond these lies a broad field of moral action, in respect

to which there are widely differing opinions as to the wisdom of direct legislative interposition.

That society has a right to protect itself from any vice that tends to undermine its foundations, is a maxim which few would controvert. Nor would it be more seriously contested that, if necessary for this purpose, laws may be aimed at the cause of an acknowledged evil, instead of dealing with its effects alone.

Without some such power it is not easy to perceive how society could exist at all.

Careful observation and much wise reflection are necessary to determine the manner and extent of exercising this power towards particular vices. Mere legislation is, at best, but a single step in the progress of any reform. Penal laws can do little unless they have their foundation in a healthy public sentiment.

Under a despotism, it is true, obedience to an odious decree may be enforced by the machinery of executive power; the people submit because it is stronger than their own. But under a free government like ours, which emanates from the people themselves, there can be no superior power; there is no appeal from their sober conviction or settled determination. Law, when thus sustained, commands the implicit obedience of all, and silently lends to the government an element of strength which the despotic states of the Old World can neither measure nor comprehend.

The heated action of partisan zeal should never be mistaken for the calm resolve of an enlightened public will. From the cauldron of party strife, few subjects, especially of a moral nature, can come out unsoiled by the passions which are always mingled with its ingredients.

Still, it is equally true that the effect of legislation upon the morals of a state may be most sensibly felt. "A people," it is said, "are never better than their laws." They become the exponent of the judgment, no less than the standard of conscience, of the body politic; and as such, like other powerful examples, affect the conduct and opinions of the individual citizen. Whether law or public sentiment should take the lead in moral progress, legislation should never be so far behind an enlightened public will as to clog or retard it; and that legislator is the wisest moralist who most nearly keeps pace with the calm and sober judgment of a discreet and conscientious constituency.

Turning from the subject of public morals to the kindred one of public charities, Massachusetts presents an example of which her citizens may justly be proud.

In addition to the ordinary relief of the poor in their respective places of settlement, ample provision has been made for the foreign poor in three new public almshouses, where the burden of their support is more justly equalized, and a home secured for the friendless and destitute stranger.

In respect to the insane, she has, like many of her sister States, followed her own bright example, and provided new accommodations for their safety and restoration to society. A new asylum has been prepared, and it is hoped that not one of this suffering class of our citizens need fail, hereafter, to share in the benefits of her wise benevolence.

If her bounty has not been able to give sight to the blind, or utterance to the dumb, it has opened for them schools of education, and offered them the means of competency and social influence.

Nor has the prisoner or the outcast been forgotten in her ministrations of mercy. In the Reform School, at Westborough, she was the first, it is believed, to follow as a State the lead of private benevolence, and to provide for the reformation of the young, by the discipline of the school, and the imposed habits of industry and self-control.

Brief as the experiment has been, its success has been most encouraging, and justifies the generous anticipations of its munificent benefactor, whose memory is embalmed in the grateful recollections of a whole community.

The details of the condition and practical results of that institution will be laid before you by its Board of Trustees, and in view of its success, you may be induced to inquire whether a similar institution for youth of the other sex may not wisely be provided.

Passing from these local institutions, to our general system of Common Schools, we enter upon a topic of peculiar interest to Massachusetts. The fathers of the Republic, by a foresight almost inspired, conceived the true value of these, and devised a system, at the very first, which, with some modifications, has served the purposes of popular education through every stage of her growth and progress. These schools have been her glory and her pride, and to them, more than any other cause, she owes her rank in the scale of free States.

However rigid the people may have been in exacting a strict economy in the expenditure of public money, there has rarely been any complaint of charges incurred for their schools. On the contrary, in consequence of the attention that has recently been awakened to the subject, the school

tax throughout the State, as we learn from a Report of the Board of Education, had nearly doubled between the years 1841 and 1851, amounting, instead of \$2.59, at the former period, for each child between the ages of four and sixteen, to the sum of \$4.71, at the latter date, for each child between the ages of five and fifteen years.

Even in respect to experiments which may have been regarded as of doubtful expediency, the public have been content to see them fairly tested, and to do ample justice to the measure of their success.

I commend this subject to your favor, under the light which will be thrown upon it by the Report of the Board of Education, which will be laid before you.

In the department of Business, as the term is generally understood, the powers of the Legislature are limited, not only by the control over it which has been delegated to the General Government; but practically, by a prevalent disposition in the people to manage their own affairs. Still, it has ever been considered an object of legislative regard, as will readily appear by a reference to the body of our existing laws.

It has, indeed, been assumed, that the leading policy of Massachusetts, for many years past, has been to aid and encourage business, and especially the labor and home industry of its citizens. And the fruits of this policy may be seen in the progress of the Commonwealth during that period, in every thing that constitutes independence and thrift.

To the influence of this wise policy through her legislatures, she owes that system of Bank Facilities, which has proved so safe for the public, and that convenient plan of corporate organizations for private enterprises, but governed by general and equal laws, which has entered so intimately into the economy of her affairs.

To this cause may be ascribed the readiness with which she has lent her aid to Railroads, and other schemes for opening avenues to proper markets for her agricultural, manufacturing, and mechanical products; and the encouragement, by the way of bounties, which she has rendered to agriculture and the useful arts, in developing and multiplying her physical resources.

In none of these has section, or class, or party, been regarded. The Commonwealth as a whole has been made, as far as possible, to share in the favors of the government.

While I commend this policy to your favorable attention,

the question of its application must depend upon your judgment alone. It will be for you to determine in respect to each case as it may arise, how far legislation should lend its aid to the accomplishment of any measure that may be brought to your consideration.

So far as her foreign trade, her fisheries, and her industry generally, are affected by causes beyond the control of her Legislature, Massachusetts can only act through her representatives in Congress. But with her devotion to the Union, and her readiness, at all times, to maintain the Constitution, her citizens will be slow to believe that her opinions and example, however manifested, will not be felt in the policy of the nation. They will be slow to believe that her domestic industry will be denied the protection which it needs, or that her vast and complicated interests will ever be sacrificed to plausible theories or ingenious speculations.

With the interpretation of our laws in the last resort, the Constitution has left little for the Legislature to do.

The framers of that instrument knew the intimate connection there is between the enjoyment of life, liberty and property, and the maintenance of an independent judiciary. This sentiment, thus early promulgated in the Bill of Rights, has continued to gain strength in its hold upon the public mind, by the ability and integrity with which our Courts have met the duties imposed upon them by the Constitution and the law, and I greatly misjudge the public sentiment, or this independence is one of the last safeguards which the people will be willing to compromise or surrender.

It does not become me to speak much at length of the powers and duties of the Executive. Whatever these may be, he will be justly held to a strict account for the manner in which they are exercised, at the bar of public opinion—the most formidable of all tribunals under a popular government.

In regard to one of those powers, a difference of opinion prevails.

The Constitution requires a revision of all bills and resolves, by the Executive, before they acquire the force of legislative acts. The obvious purpose of this is, that every law, before its passage, shall be judged of by a single mind, standing at a different point of view from that at which the two branches may have originally regarded it.

Corresponding to this duty, it gives the Executive the qualified power of arresting the passage of such bills and resolves. But it does not constitute him an essential ele-

ment of the law-making power, since, even against his recorded objections, a law may acquire full validity and effect.

The principal object of conferring a qualified veto power upon the Executive, must, therefore, have been to prevent hasty and unadvised legislation, and to place in his hands the means of guarding, to a certain extent, against encroachments upon the constitutional authority of any of the departments of the government.

Though I do not anticipate either of these occasions for its exercise, I deem it proper to present my own impressions upon the subject, that in approving any law, deliberately enacted, the question of its expediency may rest where the Constitution intended it should—with a responsible legislature.

One means of executing the laws recognized by the Constitution, is an organized Militia. You will doubtless share in the interest which has been manifested towards this institution by successive legislatures.

It is true that some have imagined that the benefits of our military organization do not warrant the expenditure of time and money necessary to sustain it. But this may have arisen rather from the fact that we have so rarely had occasion to resort to military force, than from any defect in the system.

Whatever the condition of the world may be hereafter, few, comparatively, believe that at present, it would be wise in a state to discard all military force in maintaining the sovereignty of civil government.

In the old world this force chiefly consists of standing armies, compared with which, as a mere matter of moral and political economy, the superiority of our own system is most obvious. Instead of a body of men withdrawn from the productive industry of the country, fed and clothed from the labor of others, and returning to civil life, if at all, with habits and tastes corrupted by the life and associations of the camp, the citizen, with us, at long intervals only, and for brief periods, suspends his accustomed pursuits for the duties of the field, and never sinks the self-respect of a freeman in the discipline of the soldier.

In concluding this part of my Address, I cannot forbear to urge the claim which the public have upon us for promptness and economy in the performance of our respective duties.

The people of Massachusetts have never been backward

in appropriating money for the public good. Nor have they shrunk from any burden, however onerous, when her safety or honor were involved. The unpaid balances now withheld from her by the General Government, bear witness to the readiness and extent to which, on a former occasion, her treasury was opened for the national defence when her citizens, in an hour of imminent danger, appealed to her for protection.

But with all her monuments of munificence around us, she still requires, and wisely, too, the faithful observance of a discreet frugality on the part of her public servants.

Such is her demand on us. And the public mind is too well informed not to judge with a good degree of accuracy, of the character of the expenditure of time or money in the business of the government.

In view of this responsibility, is it too much to hope that, when our duties shall have been finished, they will be found not only well done, but with the same economy which honorable men expect in the management of their own important affairs.

Though we find so much to admire in the Constitution, and its practical results, the time has arrived when some changes in its provisions seem to be called for by the exigency of the Commonwealth. The subject has agitated the public mind for the last few months, and though the proposed alterations failed to command the requisite public favor, it has not ceased to interest the public attention.

Whatever may have been the opinion of any one upon the modifications in the Constitution which were recently submitted to the people, there was much to gratify a generous mind in the attachment which was evinced by an intelligent community towards a system of government, under which they and their fathers had shared in the protection and blessings of wise laws.

To change the fundamental principles of the Constitution is to endanger the very frame-work of our free government. And yet modifications in some of its details may have become necessary by the altered condition of the Commonwealth. Such was found to be the case in 1820, and since that time amendments, more than once, have been adopted by the people.

The instrument itself, as now framed, contemplates that changes may be required, though it carefully guards against a hasty or partisan exercise of this power.

The caution and deliberation with which the provisions

of the Constitution should be modified, if at all, form one of the most prominent principles in that instrument.

To guard against errors which flow from, even generous impulses, it provides that no specific amendment shall be submitted to a popular vote until it shall have received the approbation of two successive legislatures, by requisite majorities.

In this way the subject becomes one proper for your consideration. But you will probably find that, if any changes are required, they are such as effect the mode of carrying out practically, the great principles of the Constitution, rather than the principles themselves.

Among these, I will venture to mention the election of each of the members of the Senate by separate districts, and the election by the people of several of their officers, for whose appointment a different mode is now provided in the Constitution. How far this shall extend, it may not become me to suggest, though I will express the belief that the public do not seek any change in the manner of appointing their judicial officers.

Another change has become necessary in the judgment of many, by which a plurality of votes shall determine the choice of elective officers. This arises from the frequency with which the requisition of a majority, in such elections, is rendered of no avail, while the substitution of a plurality would most nearly effect the original intention of the Constitution, and secure to the people the direct power of choosing their own rulers. So strong is the impression in the public mind that some such modification is required, that, in coming to its consideration, you may hope for the approbation of men of all parties.

Among other benefits which might be hoped to flow from these amendments, will be the avoidance of delay and the saving of much valuable time in the more speedy organization of the government at the commencement of each political year.

There is, yet, one other change in the provisions of that instrument which though much discussed of late, will be found to involve some differences of opinion. These, however, relate chiefly to the form which the amendment ought to assume. By this, it is proposed so to modify the principle of representation in the popular branch of the legislature, as to render it more equal, while it limits it to a number convenient for the intelligent discharge of its duties.

The proposition, stated in this form, would probably meet

the assent of the entire community. It is when the attempt is made to apply it, that diversities of opinion arise. It is then perceived how complex are the relations which the various parts of the Commonwealth bear to each other, as well as to the State itself, and how difficult it is to adjust the representation of these parts so as to secure to all a proper share in the cares and business of the government.

At the time of the formation of the Constitution there was no great difficulty in adopting the organization of towns, always a deservedly favorite one with the people, as a means of giving to the People a direct representation in the General Court.

Until an inequality in the relative growth and population of these towns had arisen, the system found universal favor. It gave, it is true, a somewhat numerous House, but it secured, on the other hand, a faithful expression of the public will, and the intelligence and self-respect which have characterized the representatives in that body, served to protect it against the inconveniences which are sometimes incident to large popular assemblies.

In process of time, the general increase of population, and the unequal growth of some sections, compared with others, and the numerous subdivision of towns, deranged the original simple plan, and led to the adoption of expedients which have themselves become the subjects of popular animadversion.

How these difficulties are to be adjusted, and how a just and equal system of representation is to be secured, demands the exercise of great prudence, sound judgment, and a generous spirit of compromise and forbearance.

All these, I doubt not, you will bring to the work, should you deem it one proper to engage your attention.

In one thing your good sense will suggest the proper course of action. These changes, if worthy of your consideration, are too important to be mixed up with matters of a local or temporary interest. They are, moreover, separate and distinct in their character, and ought to stand or fall, each by its own merits. It is in such a light, I doubt not, you will regard them. If upon any subject the spirit of party should be laid at rest, it is when, in view of its bearing upon the happiness of their own and future generations, the representatives of a confiding people address themselves to the solemn duty of reforming the organic law of a great and growing Commonwealth.

Should your efforts to reconcile conflicting interests and

opinions prove successful, you will have deserved, as you will doubtless receive, the grateful acknowledgments of an enlightened Constituency.

Although I have detained you so long, I ought to lay before you, as briefly as I may, a few details relating to public affairs, which have come to my knowledge, and may aid you in your deliberations.

The fund designed for keeping the Charles River and Warren Bridges in repair, is so nearly exhausted, and the condition of these important avenues to this city is such, that your immediate attention to the subject seems to be required.

By a communication of the late Agent of Massachusetts upon the subject, dated December 1, 1853, it appears that no measures have been taken by Congress towards the allowance and payment of the claim of Massachusetts upon the General Government, to which I have already alluded, since the Report of the Committee on Military Affairs in favor of such payment, made to the House of Representatives in August, 1852.

That a claim which accrued nearly forty years since, of which \$227,176.48 was found by the Secretary of War in 1837, due, and properly vouched, and again reported to be due by a Committee of Congress in 1852, should be wholly withheld by a government standing in the relation to the claimants that the United States does to our own Commonwealth, has so much of the air of injustice in it, that we should be unwilling to believe that the subject can be much longer neglected by Congress.

Whether any further action should be taken by our own Legislature in respect to it, I submit to your consideration.

During the last year the entire interest of Massachusetts in the public lands within the State of Maine, has been disposed of for the sum of \$646,000.

Adding one-half of this sum, as provided by law, to the School Fund of the Commonwealth, makes the total of that fund \$1,244,000.

The balance has not only been found adequate to discharge the subscription of the State to the capital stock of the Western Railroad, but to redeem \$100,000 of the public scrip issued on account of the Lunatic Hospital at Taunton.

In consequence of this sale of the public lands, it will become necessary, in order to guard against impairing the integrity of the school fund, to make some legislative provisions in respect to expending the principal for educational

purposes. Your attention will also be directed to what changes, if any, should be made in the office of Land Agent, and at the same time to secure a proper attention to the interests of the Commonwealth in the outstanding claims arising from the various sales which have heretofore been made of the public lands.

Of the financial affairs of the Commonwealth, details will be laid before you in the Reports of the Treasurer and Receiver-General, and Auditor.

It is proper, however, that I should anticipate a few of these.

It was stated in the Address of my distinguished predecessor, at the opening of the last legislature, that the sum of \$363,000 was estimated as necessary to be provided for beyond the ordinary expenditures of the current year, without including any thing for the expenses of the proposed Convention for revising the Constitution. Among the items constituting this sum, was a loan of \$100,000 to supply the deficiency in the revenue of 1851, and the deficits of 1851 and 1852—the latter of which exceeded the sum of \$66,000.

To meet, in part, this anticipated deficit of 1853, a tax of \$300,000 was voted. But the expenditures of the year have so far exceeded the provisions which had been made to meet them, that in the judgment of the Auditor, it will be necessary to raise the sum of \$200,000 beyond the ordinary revenues of the government, to discharge the claims upon it during the current year, without including the sums necessary to complete the State Almshouses, and the enlargement of the State House.

Some of the items which have served to swell the amount of expenditures the last year, not usually chargeable upon the ordinary revenues of the State, are the expenses of the State Prison, \$40,000, and the enhanced expenses for the year, of the criminal proceedings in our courts, which have amounted to the unprecedented sum of \$99,000. Another item consists of the expenses incidental to the Convention for revising the Constitution, of which the sum of \$154,184 has already been paid, leaving an estimated balance of \$10,000 yet to be defrayed.

In this brief view of the financial condition of Massachusetts, there is enough to justify a renewed appeal to your careful attention to the subject. The increased cost of the government, especially of legislation, of late years, has awakened a public interest in the subject which can only be

satisfied by a sincere endeavor, on the part of those in whose hands the power lies, to reduce these expenses within a reasonable limit.

Gentlemen :

You are assembled under favorable auspices. Health is in our borders, and Industry finds its rewards in the comfort and thrift which attend a prosperous state of business.

The Legislative and Executive Branches of the government are now duly organized. The places which their incumbents have been selected to fill, have been made honorable by the honored names and memory of those who have gone before them. And though many of them are called for the first time, to their respective posts of duty, their constituents have a right to hope that, under the smiles of Providence, in their harmonious action, the Republic may not only suffer no detriment, but have cause to remember with gratitude, their devotion to her happiness and her prosperity.

MESSAGES.

To the President of the Senate:

I herewith transmit to the honorable Senate, for the use of the legislature, a Report of the Commissioners on Cape Cod and East Harbors, appointed under a Resolve of the 16th of April, 1853.

EMORY WASHBURN.

Council Chamber, January 16, 1854.

To the President of the Senate:

Pursuant to the act of the 22d May, 1851, it becomes my duty to inform the legislature that there is a vacancy in the second section of the Board of Overseers of Harvard College, caused by the decease of the Rev. Daniel Sharp, D. D., in June last. And that, beside the ten new members of said Board who are, by the provisions of said act, to be elected by the present legislature, the vacancy aforesaid is to be filled by the choice of a substitute who is to be deemed a member of the class to which his predecessor belonged.

EMORY WASHBURN.

Council Chamber, January 17, 1854.

To the President of the Senate:

I herewith transmit, for the use of the legislature, the Report and Statement of the late Commissioner of Marshpee, together with the Report and Statement of the Treasurer of the said District, and of the Herring Pond Indians.

EMORY WASHBURN.

Council Chamber, February 3, 1854.

To the President of the Senate :

I herewith transmit, for the use of the legislature, the Report of the Commissioner on the subject of the appointment of Matrons in the Common Jails, and the introduction of labor therein.

EMORY WASHBURN.

Council Chamber, February 22, 1854.

To the Speaker of the House of Representatives :

I herewith transmit, for the consideration of the legislature, a communication from the Secretary of the Smithsonian Institution, upon the subject of a "System of Meteorological Observations of the State of Massachusetts."

It will be found to contain a request, that the Commonwealth will aid in the prosecution of these Observations, by the payment of small sums to those now engaged in making them; and the grounds upon which this is done, are explained in the communication itself.

The local interest attached to the enterprise, as well as the general benefit which must result from it to the cause of science, commend the subject to the favorable attention of the legislature.

EMORY WASHBURN.

Council Chamber, February 28, 1854.

To the Speaker of the House of Representatives :

I herewith transmit, for the information of the legislature, "Resolutions relative to Old Soldiers," communicated to this department by the governor of Pennsylvania, together with the "Proceedings of the National Convention of the Soldiers of the War of 1812," referred to in the Resolutions aforesaid, in which the claims of the soldiers of that war upon the bounty of the general government are urged upon public attention.

EMORY WASHBURN.

Council Chamber, March 8, 1854.

To the Speaker of the House of Representatives :

I herewith communicate the Report of the Commissioners who have had in charge the erection of Almshouses for the accommodation of Paupers having no legal settlement in the

Commonwealth, by which it will appear that it is estimated that from thirty-six to forty-five thousand dollars will be required in addition to the sums already appropriated for that purpose, in order to complete and furnish the buildings.

EMORY WASHBURN.

Council Chamber, March 20, 1854.

To the President of the Senate:

I herewith transmit, for the use of the legislature, a communication from the Hon. Secretary of State of the United States, to this department, concerning a communication addressed to him, by His Excellency John F. Crampton, together with a communication from the Society of Arts, Manufactures, and Commerce, of London, upon the subject of holding an Educational Exhibition in June next.

EMORY WASHBURN.

Council Chamber, March 23, 1854.

To the Speaker of the House of Representatives:

I herewith communicate, for the information of the legislature, the Report of the Treasurer and Receiver-General, of his doings, under a Resolve of the second of May last, in respect to a Claim of the Commonwealth upon the State of Rhode Island.

It is certainly a matter of regret, that a claim of so small an amount which is believed to be justly due, should have been so long withheld.

Unless reasons for this exist which are not known to the Executive, it is difficult to understand how it can be consistent with the comity that is due from one independent State towards another, for the State of Rhode Island to decline or neglect action upon the communication addressed to the General Treasurer of that State, upon the subject which forms a part of the accompanying papers.

Confiding in the wisdom of the legislature, to adopt such measures as may be proper in the premises, I submit the matter to their consideration.

EMORY WASHBURN.

Council Chamber, April 19, 1854.

To the President of the Senate :

In compliance with the request of the honorable Senate to inform that body what action, if any, has been had under the seventy-ninth chapter of the Resolves of 1852, concerning the Harbor of Boston and Back Bay, I have the honor to state that a Board of Commissioners was constituted, consisting of John A. Bolles, Giles H. Whitney, and Samuel Hooper, Esquires, who entered upon their duties and made a Report of their doings to the Governor and Council on the twenty-fifth of May, 1853. Subsequently, Mr. Hooper having resigned the commission, Joel Giles, Esquire, was appointed in his stead. Recently, Mr. Giles having resigned the office, William H. Swift, Esquire, has been duly commissioned and qualified in his place.

Two of the Commissioners, viz.: Messrs. Bolles and Whitney, have made a second Report to the Governor and Council, dated March 18, 1854, which is believed to contain a summary of the action of the commission to the date of the Report.

There has not been time or opportunity since the appointment of Mr. Swift, for him to examine and approve of the action of the commission, and the Report has been referred to a Committee of the Council, who are prepared to act and advise in respect to it, as soon as the same shall be approved by all the commissioners.

With this explanation, I have thought the best mode of communicating the desired information was to transmit herewith the original Report of said commissioners for examination by the Senate, with the suggestion, that the same should be returned to this department at a proper time for their further action upon the subject.

EMORY WASHBURN.

Council Chamber, April 21, 1854.

To the President of the Senate :

I herewith transmit, for the use of the legislature, the Annual Report of the Commissioners in relation to Alien Passengers.

EMORY WASHBURN.

Council Chamber, April 29, 1854.

APPENDIX.

[The following Articles of Amendment to the Constitution of Massachusetts, having been agreed to by the present Legislature, and by them referred to the next General Court, as provided in the ninth article of Amendment to the Constitution, and being of general interest to all citizens of this Commonwealth, are temporarily inserted as an Appendix.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE OF AMENDMENT.

In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ARTICLE OF AMENDMENT.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden for that purpose on the fourth Monday of the same month of November.

Time of annual election of governor, &c.

ARTICLE OF AMENDMENT.

A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each street, court, avenue, and ward of such city. The enumeration aforesaid, shall determine the apportionment of senators and representatives for the term of ten years.

Census to be taken, specifying number of legal voters.

Forty senatorial districts.

Qualifications of senators.

Quorum of senate.

Three hundred representative districts.

Counties to be districted by commissioners

The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts, of contiguous territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election, shall be an inhabitant of the district for which he is chosen, and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business, but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members. The house of representatives shall consist of three hundred members, which shall be apportioned by the legislature at its first session after the return of each enumeration, as aforesaid, to the several counties of the Commonwealth equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts as herein-after provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, or in lieu of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally,

as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town, or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof, and the number of legal voters therein, shall be returned by the board to the secretary of the Commonwealth, to the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business, but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications
of representa-
tives.

Numbering
and return of
representative
districts.

Quorum of
house of repre-
sentatives.

ARTICLE OF AMENDMENT.

Eight counsellors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of counsellors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one counsellor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the counsellor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of counsellor, who has not been an inhabitant of the Commonwealth for the term of five years immediately

Eight counsellors to be chosen by the people.

In single districts.

Qualifications
of counsellors.

Day, manner, &c., of election preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of counsellors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.

Vacancies, how filled.

Organization of the government. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five counsellors, for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and counsellors; and ten days before the said first Wednesday in January, he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ARTICLE OF AMENDMENT.

Election of secretary, treasurer, auditor, and attorney-general, by the people. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor.

Vacancies, how filled. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representa-

tives in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant from any cause during an annual or special session of the general court, such vacancy shall, in like manner, be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen, or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices, unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

On neglect to accept, office to be deemed vacant.

Qualifications requisite.

ARTICLE OF AMENDMENT.

All moneys raised by taxation in the towns and cities, for the support of public schools, and all moneys which may be appropriated by the State, for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect, for the maintenance, exclusively, of its own schools.

School moneys not to be applied to sectarian schools.

ARTICLE OF AMENDMENT.

The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Election of sheriffs, registers of probate, commissioners of insolvency, clerks of courts and district-attorneys, by the people.

LIST OF THE
CIVIL GOVERNMENT

OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1854.

HIS EXCELLENCY
EMORY WASHBURN,
GOVERNOR.

HIS HONOR
WILLIAM C. PLUNKETT,
LIEUTENANT-GOVERNOR.

COUNCIL.

EBENEZER TORREY,
WILLIAM SUTTON,
OSMYN BAKER,
THOMAS SAVERY,
JOHN H. W. PAGE,
STEPHEN M. WELD,
HENRY CHICKERING,
HOMER BARTLETT,
PELEG W. CHANDLER.

EPHRAIM M. WRIGHT,

Secretary of the Commonwealth.

WILLIAM TUFTS, 1st Clerk.

CHARLES W. LOVETT, 2d Clerk.

JACOB H. LOUD,

Treasurer and Receiver-General of the Commonwealth.

GEORGE RUSSELL, 1st Clerk.

HENRY BLANEY, 2d Clerk.

JOSEPH MITCHELL,

Auditor of Accounts.

DANIEL H. ROGERS, Clerk.

FRANCIS M. ADAMS,

Messenger to the Governor and Council.

SENATE.

CHARLES E. COOK,
PRESIDENT.

SUFFOLK DISTRICT.

Charles E. Cook,	John Low,
John P. Healy,	Samuel D. Parker,
Moses Kimball,	Samuel S. Perkins.

ESSEX DISTRICT.

Isaac H. Boardman,	Thomas P. Pingree,
Henry G. Gray,	Thomas Wright.
James Haskell,	

MIDDLESEX DISTRICT.

George O. Brastow,	Peter Lawson,
Elihu Cutler, Jr.,	Frederick O. Prince,
Winthrop E. Faulkner,	G. Washington Warren.

WORCESTER DISTRICT.

Aurin Bugbee,	Elisha Murdock,
Isaac Davis,	Joseph Whitman.
Joseph W. Mansur,	

HAMPSHIRE DISTRICT.

George W. Hubbard,	Joseph Smith.
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HAMPDEN DISTRICT.

James Holland,	Joseph L. Reynolds.
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FRANKLIN DISTRICT.

Daniel W. Alvord.

BERKSHIRE DISTRICT.

Jonathan E. Field, Ensign H. Kellogg.

NORFOLK DISTRICT.

William Aspinwall, John W. Loud.
Calvin Fisher, Jr.,

BRISTOL DISTRICT.

Richard Borden, Daniel Wilbur.
Charles R. Vickery,

PLYMOUTH DISTRICT.

Matthias Ellis, Aaron Hobart, Jr.

BARNSTABLE DISTRICT.

James B. Crocker, Robert Y. Paine.

DUKES AND NANTUCKET CO. DISTRICT.

Joseph Mitchell.

CHARLES CALHOUN, *Clerk.*

STEPHEN N. GIFFORD, *Assistant Clerk.*

REV. A. H. BURLINGHAM, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

WILLIAM M. WISE, *Door-keeper.*

JOHN A. SARGENT, *Assistant Door-keeper.*

WILLIAM SAYWARD, *Postmaster.*

TILSON FULLER, *Messenger.*

HOUSE OF REPRESENTATIVES.

HON. OTIS P. LORD,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Paul Adams,
Zenas Allen,
James H. Beal,
Benjamin Blaney,
Hiram Bosworth,
Francis Brinley,
Robert I. Burbank,
Theophilus Burr,
William Burrage,
Otis Clapp,
George W. Cooley,
John G. Davis,
William Denton,
Edward Dexter,
Charles Emerson,
Timothy Farrar,
John S. Holmes,
Eben Howes,
Samuel H. Jenks,
Henry Jones,
Robert Keith,
George Kingman,
Samuel B. Krogman,
Winslow Lewis,

Boston,

Richard Nutter,
 George H. Plummer,
 Benjamin Pond,
 Sampson Reed,
 Otis Rich,
 Joseph D. Roberts,
 Dexter Roby,
 Thomas H. Russell,
 Benjamin W. Seamans,
 John H. Sheppard,
 Benjamin Smith,
 John Souther,
 Newell A. Thompson,
 Warren Tilton,
 W. R. P. Washburn,
 Charles A. Wells,
 Moses H. Wetherbee,
 James S. Wiggin,
 J. Otis Williams,
 Albert J. Wright.

*Chelsea,**North Chelsea,**Winthrop,*

Ensign Kimball.

COUNTY OF ESSEX.

*Amesbury,**Andover,**Beverly,*

Levi A. Abbott,
 Amos Lefavor.

*Boxford,**Bradford,**Danvers,*

William Day, Jr.
 David Daniels,
 James P. King,
 Philemon Putnam.

*Essex,**Georgetown,**Gloucester,**Groveland,*

Hamilton,
Haverhill,
Ipswich,
Lawrence,

George Haskell.
 Amasa Bryant,
 Timothy V. Coburn,
 John A. Goodwin.
 Edwin Walden.

Lynn,
Lynnfield,
Manchester,
Marblehead,

John Adams,
 William Knight.

Methuen,
Middleton,
Nahant,
Newbury,
Newburyport,

William E. Currier,
 Henry W. Kinsman,
 Amos Wood.

Rockport,
Rowley,
Salem,

Nehemiah Brown, Jr.,
 Joseph A. Dalton,
 Stephen B. Ives,
 John Jewett,
 Otis P. Lord,
 David Moore.

Salisbury,
Saugus,
Swampscot,
Topsfield,
Wenham,
West Newbury,

Joseph S. Colby.
 Samuel Hawkes.

Benjamin C. Putnam.
 John C. Carr.

COUNTY OF MIDDLESEX.

Acton,
Ashby,
Ashland,
Bedford,

Daniel Wetherbee.
 Benjamin Allen.
 Simeon N. Cutler.
 Albert Bacon.

<i>Billerica,</i>	Daniel Floyd.
<i>Boxborough,</i>	
<i>Brighton,</i>	
<i>Burlington,</i>	
<i>Cambridge,</i>	Thaddeus B. Bigelow, James D. Green, Franklin Hall, Justin A. Jacobs, Joseph Whitney.
<i>Carlisle,</i>	
<i>Charlestown,</i>	
<i>Chelmsford,</i>	
<i>Concord,</i>	
<i>Dracut,</i>	George W. Coburn.
<i>Dunstable,</i>	
<i>Framingham,</i>	
<i>Groton,</i>	William Shattuck.
<i>Holliston,</i>	Augustus N. Currier.
<i>Hopkinton,</i>	John A. Fitch.
<i>Lexington,</i>	Charles Brown.
<i>Lincoln,</i>	Samuel H. Pierce.
<i>Littleton,</i>	Samuel Smith.
<i>Lowell,</i>	Daniel Ayer, William Brown, Daniel Holt, Benjamin Poole, John Smith, Ira Spalding, Solon Stevens, James Townsend, Samuel J. Tuttle, Asahel B. Wright. David Faulkner.
<i>Malden,</i>	Abraham W. Rice.
<i>Marlborough,</i>	Joseph P. Hall.
<i>Medford,</i>	
<i>Melrose,</i>	
<i>Natick,</i>	
<i>Newton.</i>	Frederic Barden, Ebenezer Bradbury.

<i>North Reading,</i>	
<i>Pepperell,</i>	
<i>Reading,</i>	Joseph Eames.
<i>Sherborn,</i>	Dalton Goulding.
<i>Shirley,</i>	
<i>Somerville,</i>	Chester Guild.
<i>South Reading,</i>	
<i>Stoneham,</i>	Alonzo V. Lynde.
<i>Stow,</i>	
<i>Sudbury,</i>	Leander Haynes.
<i>Tewksbury,</i>	Aaron Frost, Jr.
<i>Townsend,</i>	
<i>Tyngsborough,</i>	
<i>Waltham,</i>	Horatio Moore.
<i>Watertown,</i>	
<i>Wayland,</i>	Jacob Ulman.
<i>West Cambridge,</i>	Albert Winn.
<i>Westford,</i>	
<i>Weston,</i>	John A. Lamson.
<i>Wilmington,</i>	
<i>Winchester,</i>	Joseph Stone.
<i>Woburn,</i>	

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	Josiah Haven.
<i>Auburn,</i>	John Warren.
<i>Barre,</i>	Jason Gorham.
<i>Berlin,</i>	
<i>Blackstone,</i>	
<i>Bolton,</i>	John E. Fry.
<i>Boylston,</i>	Oliver S. Kendall.
<i>Brookfield,</i>	Perley Stevens.
<i>Charlton,</i>	Levi Hammond.
<i>Clinton,</i>	Andrew L. Fuller.
<i>Dana,</i>	Albert Amsden.
<i>Douglas,</i>	Henry Howell.
<i>Dudley,</i>	Reuben Davis.

<i>Fitchburg,</i>	Thornton K. Ware, Nathaniel Wood.
<i>Gardner,</i>	David Wright.
<i>Grafton,</i>	Benjamin Kingsbury.
<i>Hardwick,</i>	William Mixter.
<i>Harvard,</i>	Joseph Carter.
<i>Holden,</i>	Charles Burnett.
<i>Hubbardston,</i>	
<i>Lancaster,</i>	John G. Thurston.
<i>Leicester,</i>	
<i>Leominster,</i>	
<i>Lunenburg,</i>	John Lane.
<i>Mendon,</i>	John S. Gaskell.
<i>Milford,</i>	
<i>Millbury,</i>	
<i>New Braintree,</i>	
<i>Northborough,</i>	Samuel Clark.
<i>Northbridge,</i>	
<i>North Brookfield,</i>	
<i>Oakham,</i>	
<i>Oxford,</i>	David Barton.
<i>Paxton,</i>	
<i>Petersham,</i>	
<i>Phillipston,</i>	William Miller.
<i>Princeton,</i>	
<i>Royalston,</i>	Benjamin Fry.
<i>Rutland,</i>	Miles Demond.
<i>Shrewsbury,</i>	Leander Fales.
<i>Southborough,</i>	Peter P. Howe.
<i>Southbridge,</i>	John Blair.
<i>Spencer,</i>	William Henshaw.
<i>Sterling,</i>	William D. Peck.
<i>Sturbridge,</i>	Hiel Nichols.
<i>Sutton,</i>	Sumner Cole.
<i>Templeton,</i>	Benjamin Hawkes.
<i>Upton,</i>	Gilbert Lincoln.
<i>Uxbridge,</i>	
<i>Warren,</i>	

<i>Webster,</i>	Elias Jacobs.
<i>Westborough,</i>	Josiah Childs.
<i>West Boylston,</i>	David C. Murdock.
<i>West Brookfield,</i>	Baxter Barnes.
<i>Westminster,</i>	George Kendall.
<i>Winchendon,</i>	
<i>Worcester,</i>	Henry W. Benchley,
	Henry H. Chamberlin,
	George W. Gill,
	Edward Lamb,
	Eli Thayer.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Ithamar F. Conkey.
<i>Belchertown,</i>	Henry A. Longley.
<i>Chesterfield,</i>	
<i>Cummington,</i>	Ebenezer Shaw.
<i>Easthampton,</i>	Lemuel P. Lyman.
<i>Enfield,</i>	Ezra Cary.
<i>Goshen,</i>	
<i>Granby,</i>	Park Warner.
<i>Greenwich,</i>	Ira Haskell.
<i>Hadley,</i>	John Smith Bell.
<i>Hatfield,</i>	Roswell Hubbard.
<i>Middlefield,</i>	Oliver Smith, 2d.
<i>Northampton,</i>	Daniel Kinsley,
	Oliver Warner.
<i>Norwich,</i>	
<i>Pelham,</i>	Thomas Buffum.
<i>Plainfield,</i>	Levi N. Campbell.
<i>Prescott,</i>	
<i>South Hadley,</i>	Willard Judd.
<i>Southampton,</i>	
<i>Ware,</i>	William E. Bassett.
<i>Westhampton,</i>	
<i>Williamsburg,</i>	
<i>Worthington,</i>	Abner M. Smith.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Samuel E. Lloyd.
<i>Brimfield,</i>	Henry F. Brown.
<i>Chester,</i>	Elizur D. Cook.
<i>Chicopee,</i>	Charles R. Ladd,
	Loman A. Moody,
	Samuel A. Shackford.
<i>Granville,</i>	
<i>Holland,</i>	William A. Webber.
<i>Holyoke,</i>	
<i>Longmeadow,</i>	Oliver Dwight.
<i>Ludlow,</i>	John P. Hubbard.
<i>Monson,</i>	William H. Bradway.
<i>Montgomery,</i>	
<i>Palmer,</i>	Gilbert Barker.
<i>Russell,</i>	
<i>Southwick,</i>	Hiram S. Hollister.
<i>Springfield,</i>	
<i>Tolland,</i>	Hiram C. Brown.
<i>Wales,</i>	
<i>Westfield,</i>	Henry Fuller.
<i>West Springfield,</i>	Edward Southworth.
<i>Wilbraham,</i>	Philip P. Potter.

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Nelson Gardner.
<i>Bernardston,</i>	
<i>Buckland,</i>	Josiah W. Griswold.
<i>Charlemont,</i>	John D. Smith.
<i>Coleraine,</i>	Hiram S. Denison.
<i>Conway,</i>	James S. Whitney.
<i>Deerfield,</i>	
<i>Erving,</i>	Albert R. Albee.
<i>Gill,</i>	Jonathan S. Purple.
<i>Greenfield,</i>	Horatio G. Parker.
<i>Hawley,</i>	Nathan Vincent.
<i>Heath,</i>	
<i>Leverett,</i>	Elisha M. Ingram.

<i>Leyden,</i>	F. W. Carlton.
<i>Monroe,</i>	
<i>Montague,</i>	Zenas Clapp.
<i>New Salem,</i>	Alfred G. Williams.
<i>Northfield,</i>	Jonathan Lyman.
<i>Orange,</i>	William B. Washburn.
<i>Rowe,</i>	Noah Wells.
<i>Shelburne,</i>	Milo Wilson.
<i>Shutesbury,</i>	Samuel H. Stowell.
<i>Sunderland,</i>	
<i>Warwick,</i>	Samuel W. Spooner.
<i>Wendell,</i>	Addison Leach.
<i>Whately,</i>	Josiah Allis.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Andrew A. Richmond, John M. Seeley.
<i>Alford,</i>	
<i>Becket,</i>	Jonathan W. Wheeler.
<i>Cheshire,</i>	John C. Wolcott.
<i>Clarksburg,</i>	
<i>Dalton,</i>	
<i>Egremont,</i>	Milo Tallmadge.
<i>Florida,</i>	
<i>Great Barrington,</i>	George Taylor.
<i>Hancock,</i>	
<i>Hinsdale,</i>	John M. Tuttle.
<i>Lanesborough,</i>	Samuel Bliss.
<i>Lee,</i>	William P. Hamblin.
<i>Lenox,</i>	Charles Bangs.
<i>Monterey,</i>	
<i>Mount Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	
<i>Otis,</i>	Lyman J. Strickland.
<i>Peru,</i>	
<i>Pittsfield,</i>	James D. Colt, 2d, Solomon L. Russell.

<i>Richmond,</i>	Stephen R. Benton.
<i>Sandisfield,</i>	Abner S. Webster.
<i>Savoy,</i>	David Ingraham.
<i>Sheffield,</i>	William Warner.
<i>Stockbridge,</i>	Henry W. Dwight.
<i>Tyringham,</i>	John Canon.
<i>Washington,</i>	
<i>West Stockbridge,</i>	Thomas H. Spencer.
<i>Williamstown,</i>	Parley J. Prindle.
<i>Windsor,</i>	Almond T. Pierce.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	
<i>Braintree,</i>	
<i>Brookline,</i>	Willard A. Humphrey.
<i>Canton,</i>	Charles H. French.
<i>Cohasset,</i>	Jonathan B. Bates.
<i>Dedham,</i>	Waldo Colburn.
<i>Dorchester,</i>	Lewis Pierce,
	Robert Richardson.
<i>Dover,</i>	Ralph Sanger.
<i>Foxborough,</i>	James Stratton.
<i>Franklin,</i>	
<i>Medfield,</i>	Charles C. Sewall.
<i>Medway,</i>	Alpheus C. Grant.
<i>Milton,</i>	Jason Reed.
<i>Needham,</i>	
<i>Quincy,</i>	
<i>Randolph,</i>	Bradford L. Wales.
<i>Roxbury,</i>	William A. Crafts,
	William Gaston,
	Charles E. Grant,
	James Guild,
	Hiram Hall,
	Edward Richards.
<i>Sharon,</i>	
<i>Stoughton,</i>	
<i>Walpole,</i>	Henry Plimpton.

Weymouth,
West Roxbury,
Wrentham,

COUNTY OF BRISTOL.

Attleborough,

Berkley,

Dartmouth,

Dighton,

Easton,

Fairhaven,

Fall River,

Freetown,

Mansfield,

New Bedford,

Leonard Millard.

Jervis Shove.

Charles Drew.

Job G. Lawton, Jr.,

Mark A. Slocum.

Benjamin Evans.

Tilson B. Denham,

Nathaniel Gilbert,

Asa R. Nye,

Willard Nye,

Henry F. Thomas.

Caleb S. Wetherell.

Albert Bliss.

Barzillai King.

George H. Allyn.

Henry G. Stewart.

James M. Hood.

Horatio Peck.

Le Baron B. Church,

Enos W. Dean,

Baylies Sanford.

Isaac A. Anthony.

Norton,

Pawtucket,

Raynham,

Rehoboth,

Seekonk,

Somerset,

Swanzey,

Taunton,

Westport,

COUNTY OF PLYMOUTH.

Abington,

Bridgewater,

Carver,

Duxbury,

East Bridgewater,

Van R. Swift.

George P. Bowers.

Aaron Josselyn.

Calvin Reed.

<i>Halifax,</i>	
<i>Hanover,</i>	Thomas J. Gardner.
<i>Hanson,</i>	
<i>Hingham,</i>	Charles Howard.
<i>Hull,</i>	
<i>Kingston,</i>	
<i>Lakeville,</i>	
<i>Marion,</i>	
<i>Marshfield,</i>	George M. Baker.
<i>Middleborough,</i>	Richard Sampson,
	Joseph T. Wood.
<i>North Bridgewater,</i>	
<i>Pembroke,</i>	Ezekiel Bemis.
<i>Plymouth,</i>	
<i>Plympton,</i>	John P. Ellis.
<i>Rochester,</i>	William Sears.
<i>Scituate,</i>	William Cook.
<i>South Scituate,</i>	Samuel C. Cudworth.
<i>Wareham,</i>	James R. Sproat.
<i>West Bridgewater,</i>	Albert Copeland.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	
<i>Brewster,</i>	Benjamin Paine.
<i>Chatham,</i>	Richard Gould.
<i>Dennis,</i>	Marshal S. Underwood.
<i>Eastham,</i>	Jonathan Snow.
<i>Falmouth,</i>	Thomas Lewis, 2d.
<i>Harwich,</i>	Anthony K. Chase.
<i>Orleans,</i>	John Kenrick.
<i>Provincetown,</i>	Elisha Tillson.
<i>Sandwich,</i>	Reuben Collins, Jr.
<i>Truro,</i>	John Smith.
<i>Wellfleet,</i>	Israel Pierce.
<i>Yarmouth,</i>	Charles Baker.

DUKES COUNTY.

<i>Chilmark,</i>	Ephraim Mayhew, Jr.
<i>Edgartown,</i>	George R. Marchant.
<i>Tisbury,</i>	David Tilton, Jr.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	Edward Hammond,
	Josiah Swain,
	David Wood.

WILLIAM STOWE, *Clerk.*
WILLIAM E. P. HASKELL, *Assistant Clerk.*
REV. ARTHUR B. FULLER, *Chaplain.*
BENJAMIN STEVENS, *Sergeant-at-Arms.*
ALEXIS POOLE, *Door-keeper.*
DAVID MURPHY, *Messenger.*
EDMUND S. BRIGHAM, *Assistant Messenger*
WILLIAM SAYWARD, *Postmaster.*
JAMES N. TOLMAN, JR., *Page.*
JOSEPH P. DEXIER, JR., *Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, July 13th, 1854.

I HEREBY CERTIFY, That the printed Acts, Resolves, &c.,
contained in this pamphlet, are true copies of the originals.

EPHRAIM M. WRIGHT,

Secretary of the Commonwealth.

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ACTS
AND
RESOLVES

PASSED BY THE
General Court of Massachusetts,


IN THE YEAR
1855:

TOGETHER WITH THE MESSAGES.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
WILLIAM WHITE, PRINTER TO THE STATE.
1855.

 The General Court of 1855 assembled in the State House in Boston, on Wednesday, the third day of January, and was prorogued on Monday, the twenty-first day of May.

The oaths of office were administered to His Excellency, HENRY J. GARDNER, on the ninth day of January.

GENERAL AND SPECIAL
Statutes
OF
MASSACHUSETTS,
1855.

An Act concerning the Danvers Railroad Company.

Chap. 1.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the Danvers Railroad Company may construct its railroad, is hereby extended to the first day of June, in the year of our Lord one thousand eight hundred and fifty-five; and said company, within said time, is authorized to amend, change, and file anew the location of their railroad: *provided*, that nothing in this act shall be construed to authorize the said corporation to take any land or other materials not now in their actual occupation. Time for construction extended.
May file anew, &c.
Provided.
[Approved by the Governor, January 29, 1855.]

An Act to continue in force the Acts incorporating the Old Colony Insurance Company of Plymouth, and to authorize an increase of its capital stock.

Chap. 2.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act passed on the sixth day of March, in the year one thousand eight hundred and thirty-five, entitled, "An Act to incorporate the Old Colony Insurance Company," and the act in alteration and amendment thereof, passed Corporation continued in force twenty years from March 6, 1855.

on the third day of February, one thousand eight hundred and forty-four, shall be and remain in force for the term of twenty years, from and after the sixth day of March, in the year one thousand eight hundred and fifty-five; and said company shall be continued as a corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been or shall be hereafter passed relative to insurance companies.

Powers, privileges, &c.

Capital increased \$50,000.

In shares of \$100 each.

Proviso.

SECT. 2. Said corporation is hereby authorized to increase its capital stock by an addition thereto of a sum not exceeding fifty thousand dollars, to be divided into shares of one hundred dollars each, to be collected and paid in such instalments, and under such provisions and penalties as the president and directors of said corporation may appoint: *provided*, that such increase of its capital stock shall be made and paid in within three years from and after the sixth day of March, in the year one thousand eight hundred and fifty-five. [Approved by the Governor, January 30, 1855.]

Chap. 3.

An Act in addition to "an Act concerning County Commissioners."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties defined.

SECT. 1. In all future elections of county commissioners and special commissioners, the board of examiners in the several counties, whose duty it is to examine the returns of votes, shall meet and discharge the duties required by law as to such elections, on the first Wednesday of the month next succeeding the election of any such officers.

Former act repealed.

SECT. 2. So much of the fourteenth chapter of the Revised Statutes as is inconsistent with this act is hereby repealed. [Approved by the Governor, January 30, 1855.]

Chap. 4.

An Act to amend the two hundred and first section of the twenty-eighth chapter of the Revised Statutes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap. 28, sec. 201 R. S. amended.

All forfeitures under the two hundred and first section of the twenty-eighth chapter of the Revised Statutes shall be to the use of the county in which the offence is committed, and not to the use of the town. [Approved by the Governor, February 1, 1855.]

An Act authorizing an increase of the Capital Stock of the Douglas Axe Manufacturing Company. *Chap. 5.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Douglas Axe Manufacturing Company are hereby authorized to increase their capital stock by adding thereto three hundred thousand dollars; and may invest such portion thereof in real and personal estate, as may be necessary and convenient for carrying on the business for which said company was incorporated: *provided, however, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than fifty dollars, the par value of the shares which have been already issued.* [Approved by the Governor, February 1, 1855.]

Capital increased \$300,000.
May invest in real and personal estate.
Provided.

An Act in addition to an Act to incorporate the Boston Hemp Manufacturing Company. *Chap. 6.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Hemp Manufacturing Company, in addition to their present powers, are hereby authorized to grind grain, spices, and dyestuffs. [Approved by the Governor, February 1, 1855.]

Additional powers.

An Act to amend an Act in addition to an Act to incorporate the Eagle Fire Insurance Company. *Chap. 7.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

An act in addition to an act incorporating the Eagle Fire Insurance Company, approved February 16, 1854, is so far amended that said company may make insurance against fire losses when fifty thousand dollars guarantee capital shall have been paid in. [Approved by the Governor, February 1, 1855.]

Former act amended.
May insure against fire, when, &c.

Chap. 8. An Act to amend the fifteenth chapter of the Revised Statutes as to the election of Selectmen.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Vacancies in board of selectmen, how to be filled.

Whenever any town, at their annual meeting, shall fail to elect a full board of selectmen, or whenever a part of the selectmen chosen shall refuse to act or omit to be qualified according to law, the selectmen, or selectman chosen and qualified, may sign warrants for town meetings until a full board shall be elected; and any town may, at a meeting held subsequently to the annual meeting, elect selectmen to fill any vacancy which may exist in the board. [*Approved by the Governor, February 3, 1855.*]

Chap. 9. An Act to amend the sixty-first section of the thirty-ninth chapter of the Revised Statutes, and providing further remedies for persons whose lands are taken by Railroad Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Railroad corporations to give additional security for lands taken, &c.

SECT. 1. The sixty-first section of the thirty-ninth chapter of the Revised Statutes is hereby so far amended, that whenever it shall be made to appear to the commissioners upon petition, and after notice to the adverse party, that any security which shall have been given under the provisions of said section for any land, or other property, taken by any railroad corporation for the construction or maintenance of their railroad, shall have become insufficient, the commissioners shall, if requested by said owner, require said corporation to give further security, to the satisfaction of said commissioners, for the payment of all damages and costs that shall be awarded by the said commissioners, or a jury, for the land or other property taken; and all the right or authority of said corporation to enter upon or use said land or other property, except for making surveys, shall be suspended until they shall give such further security.

Right to enter, &c. suspended after thirty days, until damages are paid.

SECT. 2. Whenever any railroad corporation shall have taken land, or other property, for the construction or maintenance of their railroad, and shall neglect, for the space of thirty days after a warrant of distress or execution shall have issued against such corporation for the damages and costs for taking such land, or other property, to satisfy the same, then all the right or authority of said corporation to enter upon or use said land, or other property, except for

making surveys, shall be suspended until they shall pay such warrant or execution.

SECT. 3. In all cases arising under this act, the supreme judicial court shall have jurisdiction in equity, and the owner of such land, or other property, shall be entitled to all the remedies provided in the case of a railroad corporation neglecting to give security when required so to do, under the provisions of the sixty-first section of the thirty-ninth chapter of the Revised Statutes, or any subsequent statutes in relation thereto. [*Approved by the Governor, February 7, 1855.*]

S. J. Court to have jurisdiction, &c.

An Act in relation to laying out Townways, and Land taken for School-houses. *Chap. 10.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The provisions of the two hundred and ninetieth chapter of the acts passed in the year one thousand eight hundred and fifty-one, are hereby extended, so as to apply to all cases where any person or persons have a claim for damage sustained in their property by the laying out of townways, the location of school-houses, and where the interests in said property are such as are named in the first section of said act. [*Approved by the Governor, February 7, 1855.*]

Provisions of act of 1851 extended so as to apply, &c.

An Act in addition to an Act to regulate the Sidewalks in the City of Charlestown. *Chap. 11.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever the city of Charlestown shall pave any public street in said city, in the manner required by law, or shall cover the same with good gravel as a substitute for pavement, and pave the gutters thereof, each and every owner or owners, of a lot or lots of land adjoining any such street, shall, without delay, at his or her own expense, cause the sidewalk in front of his or her land to be paved with brick or flat stone, and supported by hammered edge-stone, and kept in repair; the same to be done under the direction and to the acceptance of the surveyors of the highways; and if the owner or owners of such lot or lots shall neglect or refuse to pave and support the sidewalks as aforesaid, for the space of twenty days after he or she, or the tenant of such lot or lots, or the attorney of such owner

Owners of lots, &c., to pave sidewalks.

In case of neglect surveyors to do it.

or owners, shall have been thereto required, by any of the surveyors of highways, then it shall be lawful for said surveyors, and they are hereby enjoined and required to pave and support the same in manner aforesaid, or to repair the same, and shall recover the whole amount of the expense thereof, by action of contract, to be brought by the surveyors of highways, in the name and behalf of said city, before any court proper to try the same: *provided, nevertheless*, that whenever in the opinion of the mayor and aldermen, any owner or owners of any lot on such street shall be unable to comply with the foregoing requisitions, the said mayor and aldermen may direct the surveyors of highways, or the superintendent of streets, to cause such sidewalks to be made at the expense of said city: *provided, also*, that when there are any vacant lots of land on any such street, the surveyors of highways may at their discretion allow the owner or owners thereof to cover the sidewalk with plank, and support the same with timber, which shall be removed, and the edge-stone and brick or flat stone pavement be completed, whenever in the judgment of said surveyors it shall become necessary.

And shall recover amount by action, &c.

Provided, nevertheless.

Provided, also.

Former act repealed.

SECT. 2. The second section of the act of June twelve, eighteen hundred and twenty-four, entitled "An Act to regulate the Sidewalks in the town of Charlestown," is hereby repealed. [*Approved by the Governor, February 7, 1855.*]

Chap. 12. An Act to amend the three hundred and twenty-second chapter of the Statutes of eighteen hundred and fifty-four, "In relation to Transitory Actions."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap. 322 acts of 1854, amended.

That the provisions of the three hundred and twenty-second chapter of the statutes of eighteen hundred and fifty-four shall be so construed as to apply to the fourteenth section of the ninetieth chapter of the Revised Statutes, and not to the fourteenth section of the nineteenth chapter. [*Approved by the Governor, February 7, 1855.*]

An Act to incorporate the Spy Pond Water Company.

Chap. 13.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Schouler, Edward Chapman, Abel G. Peck, their associates and successors, are hereby made a corporation by the name of the Spy Pond Water Company, in West Cambridge, for the purpose of furnishing the inhabitants of said town an abundant supply of soft water, by raising the water of Spy Pond by steam-power into a reservoir, and conducting the same by pipes to the residences of the inhabitants in said town, and for this purpose they shall have all the powers and privileges, and be subject to all the duties and liabilities and restrictions set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Purpose.

Powers, liabilities, &c.

SECT. 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and the same may be invested and held in such real and personal estate as shall be necessary and convenient for carrying on the business of the said corporation; and no shares in the capital stock of the said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, February 7, 1855.]

Capital stock \$50,000.

May invest in real and personal estate, as may be necessary.

No shares issued under par.

An Act concerning the Newburyport, and Danvers and Georgetown Railroad Companies.

Chap. 14.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Newburyport Railroad Company and the Danvers and Georgetown Railroad Company are hereby authorized and empowered to unite and form one corporation, upon such terms as they shall agree upon, whenever it shall be so voted by each company at meetings duly notified for that purpose; and when the said companies shall be so united, the stockholders in each company shall be stockholders in the other, and the two companies shall constitute one corporation, under the name of the Newburyport Railroad Company; and the said last mentioned company shall have all the franchises, property, powers, privileges and remedies, and be subject to all the restrictions and liabilities of each of the said companies respectively; and it shall be lawful for the said last mentioned company to exercise, over

Railroad corporations may unite, &c.

under the name of the Newburyport Railroad Company.

Powers, privileges, &c.

the whole extent of their railroad, the same powers, rights and privileges, which have been heretofore granted to either of said companies.

May issue bonds
to the amount of
\$300,000.

SECT. 2. When the Newburyport Railroad Company and the Danvers and Georgetown Railroad Company shall have united, as authorized by the first section of this act, the corporation formed by such union is hereby authorized to issue bonds to the amount of three hundred thousand dollars, for the purposes and in the manner provided by an act passed by the legislature in the year of our Lord one thousand eight hundred and fifty-four, entitled "An Act to authorize Railroad Companies to issue Bonds," with authority to mortgage its railroad, franchise and other property, to secure the payment of the same: *provided*, that the roads, when united, shall not sell, to any other railroad company, bonds issued by virtue of this act, beyond the amount of seventy-five thousand dollars: *and provided further*, that no bonds, issued in conformity to the provisions of this act, shall be disposed of, until every individual creditor of said companies shall have had opportunity to take bonds equal to the company's indebtedness to him in payment of his debt, such opportunity to be given by a public notice of at least ten days, in two or more newspapers in the county of Essex, inviting said creditors to take such bonds for said purpose.

Provided.

Provided, further

Notice to be given
to creditors, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 9, 1855.*]

Chap. 15. An Act relative to the numbering of persons between the ages of five and fifteen years.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Assessors to re-
port to school
committees num-
ber of persons be-
tween five and fif-
teen years.

SECT. 1. It shall be the duty of the assessors of the several towns and cities in this Commonwealth, to ascertain in the month of May of each year, the number of persons between the ages of five and fifteen years in their respective towns or cities, and report the same to the school committee of said towns or cities, on or before the first day of October following.

Former acts re-
pealed.

SECT. 2. So much of chapter two hundred and twenty-three, section two, of the acts of eighteen hundred and forty-six, and chapter one hundred and seventeen, section one, of the acts of eighteen hundred and forty-nine, as requires the numbering of the persons between the ages of

five and fifteen years in the several towns and cities of this Commonwealth, to be made by the school committees of said towns and cities, is hereby repealed.

SECT. 3. This act shall take effect on and after the first day of May, one thousand eight hundred and fifty-five.

When to take effect.

[Approved by the Governor, February 16, 1855.]

An Act to continue in force an Act to incorporate the Barnstable County Mutual Fire Insurance Company.

Chap. 16.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The statute of the year of our Lord one thousand eight hundred and thirty-three, chapter sixty-six, incorporating the Barnstable County Mutual Fire Insurance Company, and the act in addition thereto, passed March thirteenth, eighteen hundred and thirty-four, shall be continued and remain in full force for the term of twenty years from and after the second day of March, eighteen hundred and sixty-one: *provided*, that said company shall be subject to all the duties, liabilities and obligations, and entitled to all the privileges, set forth in the forty-fourth chapter of the Revised Statutes, the four hundred and fifty-third chapter of the statutes of eighteen hundred and fifty-four, and all other general laws, which may be hereafter enacted, relating to mutual fire insurance companies.

Corporation to be continued in force twenty years from March, 1861.

Provided.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, February 16, 1855.]

An Act to cede to the United States jurisdiction over Egg Rock Island and certain other places, for the erection of Light-houses, Keepers' Dwellings and Beacons, and for other purposes.

Chap. 17.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The jurisdiction of Egg Rock Island near Nahant, and of a site for a light-house at Truro, (Highlands,) Cape Cod; for a light-house and keeper's house on or near the "Point of Rocks," Westport; for a light-house on the Spit, at the entrance of the Narrows, Boston Harbor; and for a beacon on Point Alderton Bar, on the south side of entrance to Light-house Channel, Boston Harbor; and all the right and claim to the soil of any such site which this Commonwealth may have, is hereby granted to the United States of America,

Jurisdiction, etc., ceded to United States.

Proviso.

for the purpose of erecting light-houses, keepers' houses, and beacons on the same, and so long as may be necessary for the purposes herein mentioned: *provided*, that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States in and over said land, so far that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same manner as if jurisdiction had not been granted as aforesaid. [*Approved by the Governor, February 16, 1855.*]

Chap. 18.

An Act to incorporate the Industrial School for Girls.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Lucretia O. Everett and Maria Greenwood, their associates and successors, are hereby incorporated by the name of the "Industrial School for Girls," for the purpose of training to good conduct and instructing in household labor destitute or neglected girls; with all the powers, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Powers, privileges, etc.

Corporation may exercise the powers of guardians, etc.

SECT. 2. The said corporation, by themselves and their officers, may have and exercise all the rights and powers of guardians over their pupils who shall be without parents or other guardians, or who shall be surrendered to them by their parents or surviving parent.

May hold real and personal property not exceeding \$50,000.

SECT. 3. The said corporation may take, by purchase, grant, devise, bequest, or otherwise, any real or personal property for the purposes aforesaid, and may manage and dispose of the same: *provided*, that the whole amount of the property held and possessed by the said corporation at any one time, shall not exceed in value fifty thousand dollars.

SECT. 4. All the officers of said corporation may be married women. [*Approved by the Governor, February 16, 1855.*]

An Act to confirm the doings of the Marlborough Railroad Company. *Chap. 19.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The mortgage of the Marlborough Branch Railroad Company, conveying to Francis Brigham, Francis D. Brigham, and Obadiah W. Albee, and the survivor and survivors of them, and their successors, as trustees, in trust and mortgage for the payment of certain bonds, instruments, debts and liabilities of said corporation, all the property, real and personal, rights of action, and the rights and franchises of the said corporation, acquired or to be acquired, bearing date the first day of February, in the year of our Lord one thousand eight hundred and fifty-five, is hereby ratified and confirmed, and the same is and shall be valid and effectual for the alienation and conveyance of all the property and effects of said corporation therein described; the said deed of conveyance to be recorded in the town clerk's office in Marlborough, and in the registry of deeds for the county of Middlesex.

Doings, etc., ratified and confirmed.

Deed of conveyance to be recorded, etc.

SECT. 2. The said corporation is hereby authorized to make, execute and deliver to the said trustees, or any other persons as trustees, any and every such further instruments and conveyances of their property and effects, as may be required or necessary for the better effectuating the objects and purposes of the mortgage aforesaid; and all instruments and conveyances so made shall be recorded in like manner as said mortgage is required to be by the first section of this act.

Corporation to deliver to trustees instruments, conveyances, etc.

Instruments, etc. to be recorded, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 16, 1855.*]

An Act in addition to an Act to authorize the City of Boston to construct a temporary Railroad. *Chap. 20.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is hereby authorized to continue the temporary railroad erected under the authority of an act entitled "An Act to authorize the city of Boston to construct a temporary Railroad," passed in the year 1848, during two years from the first day of February, in the year 1856, subject to all the provisions contained in the

Railroad continued two years from February 1, 1856.

said act, except those relating to the removal of mud, or earth from the channels on South Bay.

When to take effect.

SECT. 2. This act shall take effect from and after its acceptance by the city council of Boston. [*Approved by the Governor, February 16, 1855.*]

Chap. 21.

An Act ceding to the United States of America jurisdiction over certain lands and their appurtenances, situate in the town of Gloucester, and for other purposes therein mentioned.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction ceded.

SECT. 1. The jurisdiction of the lands and their appurtenances that have been or may be purchased in said town of Gloucester for the erection of a custom-house and appurtenances be, and is hereby ceded to the United States of America: *provided, however*, that all civil and criminal processes issued under the authority of this State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid.

Provided.

Lands, etc., to be exempt from taxation.

SECT. 2. The lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county, and municipal taxation and assessment, so long as the same shall remain the property of the United States of America. [*Approved by the Governor, February 19, 1855.*]

Chap. 22.

An Act to incorporate the New England Emigrant Aid Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Eli Thayer, Amos A. Lawrence, John M. S. Williams, and Thomas H. Webb, their associates, successors and assigns, are hereby made a corporation by the name of the New England Emigrant Aid Company, for the purposes of directing emigration westward, and aiding in providing accommodations for the emigrants after arriving at their places of destination, and for these purposes they have all the powers and privileges, and are subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Powers, privileges, etc.

Capital not to exceed \$1,000,000.

SECT. 2. The capital stock of said corporation shall not exceed one million of dollars; said capital stock may be

invested in real and personal estate, provided, the said corporation shall not hold real estate in this Commonwealth to an amount exceeding twenty thousand dollars.

and may invest in real and personal estate.
Provided, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 21, 1855.*]

An Act to amend the second section of the two hundred and twenty-third chapter of the acts of eighteen hundred and forty-six "concerning the duties of School Committees."

Chap. 23.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The second section of the two hundred and twenty-third chapter of the acts of eighteen hundred and forty-six, is hereby amended, by striking out the words, "and fuel for the schools," wherever they occur in said section, and inserting in place thereof, "fuel for the schools, and care of the fires and school-rooms."

Sect. 2, chap. 223, acts 1846, amended.

SECT. 2. This act shall take effect from and after the last day of April next. [*Approved by the Governor, February 21, 1855.*]

When to take effect.

An Act in addition to An Act to incorporate the Cambridge Railroad Company.

Chap. 24.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Cambridge Railroad Company are hereby authorized to issue bonds, for the purpose of constructing their road, or for money which it may borrow for any purpose sanctioned by law; but the bonds so issued shall not exceed the amount of capital stock paid in by the stockholders of said company. Such bonds may be issued in sums of not less than five hundred dollars each, payable in twenty years from their date, with interest at the rate of six per cent., payable semi-annually.

May issue bonds not to exceed capital stock paid in.

In sums of \$500, payable in twenty years.

SECT. 2. Such bonds shall be approved by a majority of the finance committee of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of the corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by such corporation, or their agents, at less than par.

Bonds to be approved and certified.

SECT. 3. Said bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable

Security of bonds, etc.

instrument to be prepared for that purpose, as a pledge or mortgage to secure the performance of the conditions of said bonds.

Sinking fund.

Trustees to have management and care of funds, etc.

SECT. 4. The said corporation shall, semi-annually, pay to said trustees a sum equal to two per cent. on the amount of said bonds, for the purpose of creating a sinking fund. Said trustees shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund; and they shall from time to time, at their discretion, invest the moneys on hand securely, and so that they shall be productive, and the same may be invested in the bonds of the Cambridge Railroad Company, secured as aforesaid, or loaned on interest to any county, city or town, or any bank of this Commonwealth, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one-half the value thereof, or by pledge of the scrip or stock of any of the New England States, or of any city, county or town as aforesaid, or of any bank incorporated by this Commonwealth; and the said fund, together with the accruing interest, shall constitute a sinking fund, for the payment and redemption of said bonds.

Trustees to make return to secretary, etc.

SECT. 5. Said trustees shall make an annual return to the secretary of this Commonwealth of the whole amount of bonds issued by said corporation and secured by mortgage as aforesaid, and the whole amount by them received, and the investments made thereof.

In case of failure, trustees may petition to sell, etc.

SECT. 6. In case of failure by the said corporation in the performance of any of the conditions of said bonds, the trustees shall petition the supreme judicial court for leave to sell the property conveyed to them as aforesaid; and, thereupon, the same shall be sold in such way and manner as the court may order; and after the payment of all costs and expenses, there shall be paid into the sinking fund a sum which, added to the amount then on hand, shall equal the amount of said bonds, and any interest thereon due and unpaid, and the remainder thereof paid to said corporation.

Purchasers to manage railroad, and to file and publish certificate of corporate name, etc.

SECT. 7. The purchaser or purchasers at such sale may associate themselves together, under any name by them assumed, for the purpose of managing said railroad, and they shall, together with their successors and assigns, be and remain a body corporate under the name assumed by them; but, before they shall commence business, they shall make a certificate, setting forth their corporate name, the amount of capital actually paid in, and the par value of the

shares; which certificate shall be signed and sworn to by the president, treasurer, and a majority of the directors of said company, published three times in two daily Boston papers, and filed with the Secretary of the Commonwealth; and when so organized, they shall become a corporation, with like powers and privileges, and subject to all the duties and restrictions, set forth in the act incorporating the Cambridge Railroad.

SECT. 8. The award of the commissioners to be appointed under the provisions of the first section of the act incorporating the Cambridge Railroad Company, to determine and fix the rate of compensation and toll to be paid to the Hancock Free Bridge Corporation, shall be binding upon each of said corporations, and shall not be revised or altered excepting by the agreement of each of said parties.

Award of commissioners shall be binding, etc.

SECT. 9. Said Hancock Free Bridge Corporation shall receive, in satisfaction of the compensation or tolls that may be awarded by said commissioners, bonds of said Cambridge Railroad Company, secured in the manner herein provided.

Hancock Free Bridge Corporation to take bonds, etc.

SECT. 10. The Supreme Judicial Court shall have full equity powers on all matters relating to this act or the acts to which it is in addition.

S. J. Court to have equity powers.

SECT. 11. The capital stock of the Cambridge Railroad Company shall be divided into shares of one hundred dollars each, and the time within which ten per cent. of the capital stock is to be paid is hereby extended two years.

Shares \$100 each.

Ten per cent. to be paid in 2 years

SECT. 12. This act shall take effect from and after its passage. [Approved by the Governor, February 21, 1855.]

An Act to incorporate the Holyoke Savings Bank.

Chap. 25.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jones S. Davis, Jonas Kendall, C. W. Blanchard, Albert Graves, Cyrus Frink, Thomas H. Kelt, Charles W. Rannet, Hezekiah Hutchins, James K. Mills, R. G. Marsh, Warren Chapin, Gustavus Snow, A. O. Colby, J. C. Parsons, their associates and successors, are hereby made a corporation by the name of the Holyoke Savings Bank, to be established and located in the town of Holyoke, in the county of Hampden, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in

Corporators.

Name.

Powers, privileges, etc.

all other laws of this Commonwealth relating to institutions for savings.

May receive deposits of \$1.

SECT. 2. Said corporation shall receive on deposit sums as small as one dollar.

Trustees may pay to minors, etc.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor.

Receipt of minors to be valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 21, 1855.*]

Chap. 26.

An Act to establish a Police Court in the Town of Chelsea.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Court established with one justice.

SECT. 1. A police court is hereby established in the town of Chelsea, to consist of one learned, able and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors, committed within the town of Chelsea, whereof justices of the peace now have or may hereafter have jurisdiction. And the court hereby established shall hear and determine all suits, complaints and prosecutions, in like manner as by law provided for the exercise of the powers and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority. And the said police court shall also have original and concurrent jurisdiction in criminal cases, and cognizance of all suits and actions, which may now or at any time hereafter, be heard, tried and determined before any justice of the peace in the county of Suffolk, and exclusive jurisdiction whenever all the parties reside in Chelsea, and the service of the writ is had on the defendant in said county; and no writ in any such suit or action shall be made returnable before any justice within said town, but to said police court only; and an appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent that appeals

Jurisdiction.

Appeal allowed.

are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be counsel or attorney to any party in any matter or thing whatsoever which may be pending in said court.

SECT. 2. All warrants issued by said court or by any justice of the peace within said town, shall be made returnable and shall be returned before said court; and if any warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be paid or allowed, unless, on examination in hearing before said court, it shall appear to said court that there was just and reasonable cause for issuing said warrant, in which case such fees, costs and charges shall be allowed and taxed in like manner as though said warrant had been issued by a justice of the peace, according to the law now in force.

Returns of warrants.

SECT. 3. All fines, forfeitures and penalties accruing for the breach of any by-laws of said town may be prosecuted for and recovered before said court by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the municipal court then next to be held in the county of Suffolk from the judgment and sentence of said police court. And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth. And it shall be sufficient, in all such prosecutions, to set forth in the complaint the offence, fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-law, or any part thereof. When any person, upon any conviction before said police court for any breach of any by-law of said town, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty, or forfeiture, and cost so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture, or penalty, and costs, or be otherwise discharged according to law.

Fines, forfeitures, etc., how recovered.

Appeal allowed, as provided in ch 138, R. S.

Fines, etc., how
disposed of.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid and satisfied in like manner, as is provided by law in cases of justices of the peace.

Court, how often
to be held.

SECT. 5. A court shall be held by said justice, at some suitable and convenient place, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and, on one day in each week, at nine of the clock in the forenoon, and at such other times as may be necessary, for the trial of civil suits and actions; and said court may be adjourned from day to day by the justice thereof; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Justice's fees.

SECT. 6. The justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace, in criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act, in criminal matters, and all legal fees in civil matters: *provided*, that, whenever the fees in criminal prosecutions amount to more than seven hundred dollars per annum, the excess shall be paid to the county of Suffolk, in the month of January annually, in the same manner as justices of the peace are now bound to pay money received for fines.

Justice to keep
record and make
return.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of said town of Chelsea a true and faithful account of moneys by him received as fees.

Pending actions,
how disposed of.

SECT. 8. All suits, actions, and prosecutions which shall be instituted and pending before any justice of the peace within the town of Chelsea, when this act shall take effect, shall be heard and determined as though this act had not been passed.

SECT. 9. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

One special justice.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justice at any time after the passing of this act.

Justices, when appointed.

SECT. 11. This act shall take effect on and after the first day of March next. [*Approved by the Governor, February 27, 1855.*]

When to take effect.

An Act relating to the Jurisdiction of the Supreme Judicial Court in Cases of Divorce. *Chap. 27.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When a marriage is supposed to be void, or the validity thereof is doubted, either for fraud or any legal cause, the justices of the supreme judicial court shall have jurisdiction, and upon proof of the fraud, or any legal cause of divorce, to their satisfaction, they shall have power to grant a divorce or sentence of nullity, although such marriage was solemnized out of this Commonwealth: *provided*, that the libellant had his or her domicile in this Commonwealth when the marriage was solemnized and when the libel was filed. [*Approved by the Governor, February 27, 1855.*]

S. J. Court may grant divorce in certain cases.

Proviso.

An Act restricting the several Courts established by the Laws of this Commonwealth from exercising Jurisdiction in Cases of Naturalization. *Chap. 28.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. It shall not be lawful for any court established by the laws of this Commonwealth, or for any clerk thereof, to receive or entertain any primary or final declaration or application, made by or on behalf of any alien, to become a citizen of the United States, or to receive any registry of

Courts restricted from receiving applications for naturalization.

an alien, or to entertain jurisdiction for the naturalization of aliens.

Penalty, etc.

SECT. 2. Any clerk or other person who shall record or file any such application or declaration, or undertake to issue a certificate of naturalization to any person so hereafter applying, shall be liable to a fine of ten dollars, and costs of prosecution, to be recovered by complaint before any justice of the peace or police court in the county where the offence is committed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1855.*]

Chap. 29.

An Act to incorporate the Salem Five Cents Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Tucker Daland, J. Vincent Browne, Gilbert G. Newhall, Thomas P. Pingree, Francis Cox, Joseph Andrews, Henry L. Williams, William H. Jackson, their associates and successors, are hereby made a corporation by the name of the "Salem Five Cents Savings Bank," with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and all other laws of this Commonwealth relative to institutions for savings.

Privileges, liabilities, etc.

Deposits.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

Trustees may pay to minors.

SECT. 3. Whenever any deposit shall be made by a minor, the trustees or managers of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of said minor, or the said minor was of full age, if such deposit was made personally by said minor.

Minors' receipt valid.

• SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize M. Black, Jr., and Company to extend their Wharf. *Chap. 30.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. M. Black, Jr., and Company are hereby authorized to extend and make improvements in their wharf located at Danvers-port, in the town of Danvers: *provided*, that the said wharf shall not extend into the channel so as to impede the navigation of the river, and they shall have the right to lay vessels at the sides and ends of said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any person.

May extend wharf.

Proviso.

Rights, etc.

SECT. 2. What the said M. Black, Jr., and Company have already done in the premises by way of construction, is hereby confirmed. [*Approved by the Governor, March 9, 1855.*]

Doings confirmed

An Act to change the Name of the Vineyard Bank, and to extend the time for paying in its Capital Stock. *Chap. 31.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Vineyard Bank, a corporation organized agreeably to the laws of the Commonwealth relating to banks and banking, in the year one thousand eight hundred and fifty-four, shall, from and after the passage of this act, be called and known as the Martha's Vineyard Bank.

Name changed.

SECT. 2. The time allowed to the Vineyard Bank by the two hundred and fifty-fifth chapter of the acts passed in the year one thousand eight hundred and fifty-four, for paying in its capital stock, is hereby extended to the first day of September, in the year one thousand eight hundred and fifty-five.

Time extended for paying capital stock.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize the Framingham Savings Bank to hold Real Estate. *Chap. 32.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Framingham Savings Bank is hereby authorized to hold real estate to the amount of five thousand dollars: *provided, however*, that no part of said amount shall be invested in real estate, except in the purchase of a

May hold real estate to amount of \$5,000.

Proviso.

suitable site, and the erection or preparation of a suitable building to be used for the banking purposes of said corporation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

Chap. 33. An Act changing the Time for the holding of the Probate Courts in Lanes borough and Adams, in the County of Berkshire.

Be it enacted by the Senate and House of Representatives, in General Court assembled. and by the authority of the same, as follows :

Probate Courts
changed.

SECT. 1. There shall be a probate court holden at Lanesborough on the fourth Tuesday in April in each year, and also at Adams on the Wednesday next after the fourth Tuesday in April in each year.

Processes, etc.,
returnable.

SECT. 2. All processes, and matters now returnable, or which shall hereafter be made returnable, to the court at Lanesborough on the second Tuesday in April, or at Adams on the Wednesday next after said second Tuesday, shall be acted upon at said courts, holden at Lanesborough on the fourth Tuesday of April, and at Adams on the Wednesday next after said fourth Tuesday.

Part of act re-
pealed.

SECT. 3. So much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes as provides for the holding of a probate court at Lanesborough on the second Tuesday of April, and at Adams on the Wednesday next after the second Tuesday in April, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

Chap. 34. An Act authorizing the County Commissioners of the County of Middlesex to lay out a Highway and construct a Bridge over the Mystic River, in the Towns of West Cambridge and Medford, in said County.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May lay out
highway and con-
struct bridge
across Mystic
River.

SECT. 1. The county commissioners of the county of Middlesex are hereby authorized and empowered, if in their opinion the public necessity and convenience require it, to lay out a highway and construct a bridge across Mystic River in the towns of West Cambridge and Medford, in said county, at some place to be determined by them, between Weare Bridge, so called, on the old road leading from Medford to West Cambridge, and the aqueduct by which the

Middlesex Canal formerly crossed said river. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

SECT. 2. The said commissioners shall locate said highway on or before the first day of October next, and shall build and finish the said highway and bridge, for public travel, within one year from the said first day of October.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize the Town of Norwich to change its Name.

Chap. 35.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The town of Norwich, in the county of Hampshire, shall take the name of Huntington. Name changed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize Charles Hubbard and others to extend their Wharves in the Town of Chelsea. Chap. 36.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles Hubbard, H. H. Hunnewell, William H. Boardman, and James W. Sever are hereby authorized to build and maintain wharves upon their lands lying on Marginal Street, in the town of Chelsea, and to extend the same to the commissioners' line; and they shall have the right to lay vessels at the sides and ends of said wharves, and receive wharfage and dockage therefor: *provided*, that so much of said wharves as may be constructed below low-water mark, shall be built on piles, and that this act shall in no wise impair the legal rights of any person whatever. Wharves in Chelsea. Rights, etc. Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act concerning Executors and Administrators, Guardians and Trustees. Chap. 37.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Judges of probate for their respective counties may authorize executors, administrators, guardians and trustees, to

Executors, etc., authorized to adjust claims, etc.

adjust by arbitration or compromise, at their discretion, any and all claims and demands in favor of the estates by them represented, whenever it shall appear to be for the benefit of those who have an interest therein. [*Approved by the Governor, March 9, 1855.*]

Chap. 38. An Act to authorize the Revere Copper Company to increase their Capital Stock.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased \$100,000.

SECT. 1. The Revere Copper Company are hereby authorized to increase their capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said company : *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

Chap. 39. An Act in addition to an Act to protect the Alewife Fishery in the Town of Brewster.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Obstructions to passage, and catching of alewives prohibited.

SECT. 1. That the inhabitants of the town of Brewster be and are hereby authorized to prohibit all obstructions to the passage of alewives, and also to prevent the catching of the same, by any person or persons other than those said town may direct, within the distance of one-fourth of a mile east of the mouth of Mill Creek, or the outlet of Stony Brook, so called, in Brewster Bay, and on the west from said boundary to the line of the town of Dennis, from the twentieth of April to the twentieth of June : *provided*, such prohibition shall not affect the right to take other kinds of fish within the time and limits named in this section.

Proviso.

Liable to penalty of \$20 for each offence.

SECT. 2. Any person causing obstructions, or found taking alewives, within said limits, without the authority of said town, shall be liable to a penalty not exceeding twenty dollars for each offence, to be recovered in any court competent to try the same, to the use of the person who shall prosecute therefor.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize Thomas H. Carruth to extend his Wharf in the Town of Chelsea. *Chap. 40.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas H. Carruth is hereby authorized to build and maintain wharves upon his lands, lying on Marginal Street, in the town of Chelsea, and to extend the same to the commissioners' line; and he shall have the right to lay vessels at the sides and ends of said wharves, and receive wharfage and dockage therefor: *provided*, that so much of said wharves as may be constructed below low-water mark, shall be built on piles, and that this act shall in no wise impair the legal rights of any person whatever.

Wharves in Chelsea.

Rights, etc.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act authorizing the Plymouth Cordage Company to increase their Capital Stock. *Chap. 41.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Plymouth Cordage Company are hereby authorized to increase their capital stock, by an amount not exceeding one hundred thousand dollars, and to invest their present capital and such increase in real and personal estate, as is necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares in the original capital stock of said corporation.

Capital stock increased \$100,000.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

An Act to authorize the Sale of the Danvers Railroad.

Chap. 42.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Danvers Railroad Company is hereby authorized to sell its railroad franchise and all other property to the Boston and Maine Railroad: *provided*, that such sale

Authorized to sell railroad, franchise, etc.

Provided, etc.

shall not be valid, unless three-fourths of the stockholders, in number, and owning three-fourths of the stock of said Danvers Railroad, shall assent in writing thereto; and all debts and liabilities of the said Danvers Railroad shall be assumed, by the said Boston and Maine Railroad.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1855.*]

Chap. 43.

An Act to authorize Cities and Towns to establish Sidewalks.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cities and towns may establish and grade sidewalks.

SECT. 1. The mayor and aldermen of any city or the selectmen of any town, by which this act shall be accepted, are hereby authorized to establish and grade sidewalks, in such city or town, in such streets as, in their judgment, the public convenience and necessity may require, and they shall have power to assess the abutters on said sidewalks one-half the expense of the same, the residue to be paid by such city or town, and all assessments so made shall be a lien upon such abutting lands in the same manner as taxes are now a lien upon real estate.

Abutters assessed, etc.

Sidewalks not to be obstructed, etc.

SECT. 2. No sidewalks constructed or graded in any city or town, shall be dug up, or in any way obstructed in any part thereof, without the consent of the mayor and aldermen of the city, or of the selectmen of the town in which such sidewalk is established.

When to take effect.

SECT. 3. This act shall not take effect in any city or town, until it shall have been accepted by the city council of such city, or by the inhabitants of such town at a legal meeting. [*Approved by the Governor, March 9, 1855.*]

Chap. 44.

An Act relating to the Cambridge Cemetery.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commissioners to be chosen.

SECT. 1. The city council of Cambridge is hereby authorized to elect by joint ballot, in convention, a board of six commissioners, two members thereof to be elected each and every year, in the month of January, to hold office for the term of three years; the mayor of the city of Cambridge for the time being, to be chairman of said board *ex officio*. Said board shall have the sole care, superintendence and management of the Cambridge Cemetery established by said

city council; but said board, or any member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal, or otherwise, such vacancy shall be filled by the choice of another commissioner in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be organized by the choice of a secretary from their own number, and a majority of said board shall constitute a quorum for the transaction of business; and the term for which the several members of the first board of commissioners to be so chosen shall hold their office shall be determined as follows:

Subject to removal.

Vacancies, how filled.

Organization of board.

Terms of office.

The first election to be made as soon as may be after the passage of this act, and the commissioners so chosen to be divided by lot into three classes, the first class to remain in office until January, eighteen hundred and fifty-six; the second class to remain in office until January, eighteen hundred and fifty-seven, and the third class shall remain in office until January, eighteen hundred and fifty-eight; after which first election two commissioners shall be elected during the month of January in every year, and to hold office for the term of three years.

SECT. 2. The said board of commissioners shall lay out said cemetery, or such parts thereof as are not already laid out, into such lots or subdivisions for burial-places as they shall think proper; and the said commissioners shall set apart a portion said cemetery for a public burial-place for the use of the inhabitants of said city free of charge therefor. And it shall be the duty of said commissioners from time to time, as appropriations shall be made by the city council therefor, to cause all necessary paths and avenues to be constructed therein, and to cause said cemetery to be planted and embellished with trees, shrubs, flowers and other rural ornaments, as they shall think proper. And said board may make all necessary by-laws and regulations in the execution of their trust, not inconsistent with this act and the laws of the Commonwealth, as they shall deem expedient.

Duties of board.

By-laws.

SECT. 3. Said board of commissioners shall have authority to sell to any person or persons the sole and exclusive right of burial, and of erecting tombs, cenotaphs and monuments, in any of the designated lots or subdivisions of said

Deeds of conveyance, etc.

cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe; but all deeds or conveyances of any of such lots shall be made in the name of the city, and shall be executed in behalf of the city by the city clerk thereof for the time being when requested to do so by the commissioners; and the proceeds of such sales shall in all cases be paid into the city treasury.

Commissioners
to make annual
report.

SECT. 4. The said board of commissioners shall annually, in the month of January, and whenever required by the city council, make and render a report of all their acts, doings and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditures for the same.

Act void, unless
accepted in thirty
days.

SECT. 5. The mayor and aldermen of said city shall notify and warn the legal voters of said city to meet in their respective wards on such day as they shall direct, not exceeding thirty days from the passage of this act, for the purpose of giving in their written votes upon the question whether they will accept the same; and if a majority of the votes given upon said question shall be in the negative, then this act shall be null and void.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1855.*]

Chap. 45. An Act to aid Police Officers and Watchmen in the discharge of their duty.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police officers,
etc., may re-
quire aid.

SECT. 1. Whenever any police officer or watchman, in the discharge of his official duty, shall require assistance, in conformity with the existing laws of the Commonwealth, chapter fourteenth section seventy-second of the Revised Statutes, and chapter one hundred and sixty-second of the year eighteen hundred and fifty-one, the person refusing to render such assistance shall be liable to a fine of ten dollars and costs of prosecution, to be recovered by complaint before any justice or court competent to try the same; and any police court or justice of the peace shall have jurisdiction in all such cases.

Penalty for refus-
ing assistance.

SECT. 2. This act shall take effect on and after its passage. [*Approved by the Governor, March 14, 1855.*]

An Act to incorporate the Lowell Young Men's Christian Association. *Chap. 46.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Aaron Walker, Jr., L. P. Merriam, Samuel N. Corporators.
Merrill, B. C. Sargent, their associates and successors, are
hereby made a corporation by the name of the Lowell Name.
Young Men's Christian Association, in the city of Lowell,
for the purpose of improving the spiritual and mental con- Purpose.
dition of young men; with all the powers and privileges, Powers, duties,
and subject to all the duties, liabilities and restrictions, set etc.
forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal Real and personal
estate to an amount not exceeding twenty thousand dollars. estate not ex-
ceeding \$20,000.
[*Approved by the Governor, March 14, 1855.*]

An Act to authorize a Fire Department in the Town of Watertown. *Chap. 47.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The selectmen of the town of Watertown are hereby Fire department
authorized to establish a fire department in said town, in in Watertown.
the manner and according to the provisions prescribed in
an act to regulate fire departments, passed on the ninth
day of April, in the year one thousand eight hundred and
thirty-nine; and said fire department when so established,
and the several members thereof, and all the officers and
companies appointed by them, and the said town of Water-
town and the inhabitants thereof, shall be subject to all the Duties, liabilities,
duties and liabilities, and be entitled to all the privileges etc.
and exemptions specified in said act so far as the same
relates to them respectively. [*Approved by the Governor,*
March 14, 1855.]

An Act to incorporate the Quincy Point and Germantown Ferry Company. *Chap. 48.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Bradford, Isaiah G. Whiton, Hiram Corporators.
Prior, Naaman B. Holmes, Levi W. Moody and George
Thomas, their associates and successors, are hereby made
a corporation by the name of the Quincy Point and Ger- Name.
mantown Ferry Company, for the purpose of establishing
and supporting a ferry between the villages of Quincy Point

Powers, privileges, etc.

and Germantown, in the town of Quincy, with all the powers and privileges incident and necessary to the establishment and support of a ferry as aforesaid; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Real and personal estate not to exceed \$25,000.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of twenty-five thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1855.*]

Chap. 49.

An Act concerning the Business of Sail-Making and Rigging.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of act repealed.

So much of the fourth section of the fifty-eighth chapter of the Revised Statutes as relates to sailmakers' and riggers' lofts is hereby repealed. [*Approved by the Governor, March 14, 1855.*]

Chap. 50.

An Act to authorize the Second Parish in West Newbury to sell their Parsonage Lands.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Treasurer may sell parsonage lands.

SECT. 1. The second parish in West Newbury, in the county of Essex, are hereby authorized to empower their treasurer to sell by auction their parsonage lands, situate in said West Newbury, consisting of about nine acres of pasture-land, and from twelve to fifteen acres of wood-land, and to make and execute a deed or deeds to the purchaser or purchasers thereof.

May execute deeds.

Proceeds may be vested in real estate.

SECT. 2. The proceeds of said sale shall, within two years from the passage of this act, be vested in such real estate as they may think proper for a parsonage; and the said parish are hereby authorized to empower their treasurer to receive a deed or deeds of such real estate, in the name of said parish; and the real estate so purchased shall be held by the same tenure and for the same purposes as the lands hereby authorized to be sold are now held.

Treasurer to receive deed, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1855.*]

An Act to authorize Augustus Paine and Timothy Jarvis to construct Fish Weirs and Fixtures in the town of Brewster. *Chap. 51.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That Augustus Paine and Timothy Jarvis, inhabitants of the town of Brewster, be, and are hereby, authorized to construct fish weirs and the usual fixtures for taking fish, on the lands of said Paine and Jarvis, in said Brewster: *provided*, said weirs and fixtures shall not be placed within one-fourth of a mile from the entrance of Stony Brook, so called, in Brewster Bay. Said weirs and fixtures shall all be within the limits of the town of Brewster, and shall cause no obstruction to navigation.

May construct fish-weirs, etc.

Proviso.

SECT. 2. Any person obstructing the provisions of the first section of this act, or taking fish from said weirs without the authority of said Paine or Jarvis, shall be liable to a penalty of a sum not exceeding fifteen dollars for each offence, to be recovered, in any court competent to try the same, to the use of the person who shall prosecute therefor.

Penalty for obstructing, etc.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, March 14, 1855.*]

An Act authorizing the Courts to sentence certain persons to the Hospital at Rainsford Island. *Chap. 52.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The police and municipal courts of Boston may, in their discretion, commit any person convicted before said courts under any of the provisions of the fifth section of the one hundred and forty-third chapter of the Revised Statutes, to the Hospital, established by the State at Rainsford Island, in Boston Harbor, for a term not exceeding six months; and the superintendent of said hospital is authorized to employ such persons at such labor as he may think fit: *provided*, that no person shall be so sentenced until the superintendent of said hospital shall have given his written assent thereto.

Courts may sentence to Rainsford Island.

Proviso.

SECT. 2. Nothing in this act shall be so construed as to prevent or hinder the right of appeal from the sentence of the police court of Boston, and persons committed under the provisions of this act may be discharged under the provisions of section thirteenth of said one hundred and forty-third chapter of the Revised Statutes: *provided*, that the

Right of appeal.

Discharge under certain provisions.

recommendation required for such discharge shall be given by the superintendent of said hospital.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1855.*]

Chap. 53.

An Act concerning the punishment of Drunkenness.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Court may sentence to house of industry, etc.

Any person convicted of the crime of drunkenness by any court in the city of Boston, may, in the discretion of said court, be committed, in case of non-payment of the fine, to the house of industry instead of the jail or house of correction. And the term of imprisonment and the manner of pardon and discharge shall be, in all respects, the same as are now provided in cases where such persons are held in prison in the county of Suffolk for non-payment of fine and costs. [*Approved by the Governor, March 14, 1855.*]

Manner of discharge, etc.

Chap. 54. An Act to authorize Henry Jones, George H. Plummer and William D. Macy to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston.

Henry Jones, George H. Plummer and William D. Macy, proprietors of land and flats in that part of Boston called East Boston, bounding on Marginal Street, between land and flats of John Jeffries, Jr., and John Howe, Jr., are hereby authorized to build and maintain a wharf upon, and from their said premises into Boston Harbor, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or lands of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to said commissioners' line: and *provided, further*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direc-

Rights, etc.

Proviso.

Provided, further

tion of the stream, and eight feet in a transverse direction, and that this act shall in nowise impair the legal rights of any person whatever. [*Approved by the Governor, March 14, 1855*]

An Act relating to the Mystic River Corporation.

Chap. 55.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The periods of time allowed to the Mystic River Corporation for commencing and completing the structure and excavations authorized by the one hundred and fifth chapter of the acts of eighteen hundred and fifty-two, are hereby extended three years respectively.

Time for completing, etc., extended three years.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1855.*]

An Act in relation to the trial of Libels for Divorce.

Chap. 56.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Either party to any libel for divorce now pending, or to be hereafter commenced, may, at any time before the trial thereof is actually commenced, demand in writing a trial by jury, which writing shall be filed with the clerk of the court wherein the libel is pending.

May demand trial by jury.

SECT. 2. Whenever such demand shall be made, the questions of fact arising upon such libel shall be tried by the jury, under the direction of the court, in the same manner, as nearly as may be, as trials are now had in actions at law before the court of common pleas and supreme judicial court.

Trial same as in actions at law, etc.

SECT. 3. It shall be the duty of the court to superintend the course of the trial, and decide upon the admission or rejection of evidence, and upon all questions of law made at the trial, to allow, if requested, bills of exceptions as in suits at common law.

Court to decide upon evidence, etc.

SECT. 4. Every verdict rendered under the provisions of this act shall be under the control of the court in which it is rendered, and may be set aside and a new trial granted, for any legal and sufficient cause, by the judge before whom the trial was had.

Verdicts to be under control of court, etc.

SECT. 5. The court may, at any time after a verdict has been rendered in any proceeding referred to in this act,

Court may enter decree, unless, etc.

enter a decree in conformity therewith, unless the same is arrested for some legal and sufficient reason.

Inconsistent acts
repealed.

SECT. 6. All laws of this Commonwealth inconsistent herewith are hereby repealed. [*Approved by the Governor, March 14, 1855*]

Chap. 57. An Act to incorporate the Dorchester Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Duration.

Purpose.

Powers, liabilities,
&c.

SECT. 1. A. Churchill, E. H. R. Ruggles, Charles A. Wood, Robert Rhodes, H. W. Blanchard, their associates and successors, are hereby made a corporation by the name of the Dorchester Mutual Fire Insurance Company, in the town of Dorchester, in the county of Norfolk, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, with their contents, and personal property, against loss or damage by fire, upon the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the four hundred and fifty-third chapter of the general laws of the Commonwealth of Massachusetts, passed April twenty-ninth, in the year eighteen hundred and fifty-four; and such other laws of said Commonwealth as may be applicable to mutual fire insurance companies.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1855.*]

Chap. 58. An Act to unite the New England Magnetic Alarm Manufacturing Company with the Boston Electric Clock Company, under the name of the Electric Power Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporations
united.

Name.

Purposes.

Powers, privi-
leges, etc.

SECT. 1. The New England Magnetic Alarm Manufacturing Company and the Boston Electric Clock Company have leave to unite, and the two are hereby made one corporation, under the name of the Electric Power Company, to be located in the county of Suffolk, for the purposes named in their respective acts of incorporation, and for the further purposes of renting and operating, as well as manufacturing, electro magnetic clocks, alarms, engines, and other electric apparatus; and for the further purpose of purchasing, holding, using, and selling patent rights for the same; with all the powers and privileges, and subject to all the duties,

restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and chapter ninety-third of the acts of the year A. D. one thousand eight hundred and forty-nine.

SECT. 2. Said corporation may hold real estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of sixty thousand dollars; and the whole capital stock of the said corporation shall not exceed in amount the sum of two hundred thousand dollars, or the aggregate mentioned in the two acts of incorporation above referred to.

Real and personal estate not to exceed \$60,000.

Capital stock, \$200,000.

SECT. 3. No shares in the capital stock of this corporation shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall first be issued.

No shares to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1855.*]

An Act to incorporate the Cape Cod Five Cents Savings Bank.

Chap. 59.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nathan Underwood, Obed Brooks, Solomon Thacher, Simeon N. Small, Obed Brooks, Jr., their associates and successors, are hereby made a corporation by the name of the Cape Cod Five Cents Savings Bank, to be established in the town of Harwich; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Corporators.

Name.

Powers, privileges, etc.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may at their discretion pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age if such deposit was made personally by said minor.

Trustees may pay to minors.

Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1855.*]

Chap. 60. An Act to extend the Charter of the Merchants' Insurance Company, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter extended

Duration.

Powers, privileges, &c.

The Merchants' Insurance Company, in Boston, is hereby continued a corporation for the term of twenty years from and after the fifth day of December, one thousand eight hundred and fifty-six, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent general laws of this Commonwealth, that have been or may be passed in relation to similar corporations. [Approved by the Governor, March 16, 1855.]

Chap. 61. An Act in addition to an Act to authorize the Town of Plymouth to procure a supply of Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May purchase or take land, water, water-power, etc. as may be necessary.

Price to be fixed by county commissioners, in case, etc.

Proviso.

Town may prescribe use, etc., and establish water-rents.

Proviso.

SECT. 1. The town of Plymouth, in the county of Plymouth, is hereby authorized, through the agency of such officers or water commissioners as have been or may hereafter be elected by the legal voters of said town, to purchase or otherwise take any land, water, water-power or materials necessary for the purposes of constructing an aqueduct in said town, as provided by an act of the legislature, passed April twenty-second, in the year one thousand eight hundred and fifty-four; and if the price to be paid by said town for such land, water, water-power, or materials, cannot be fixed by agreement with the owner or owners thereof, the same shall be estimated by the county commissioners, in the manner provided in the twenty-fourth and thirty-ninth chapters of the Revised Statutes: *provided*, that the right of either party to a jury shall be forever barred, unless the petition for the same shall be filed within six months from the time when such land, water, water-power or materials shall have been taken.

SECT. 2. Said town shall have authority, through the agency of the officers aforesaid, to prescribe all the purposes for which water may be used, and establish the prices or water rents to be paid for the use of the same: *provided*, that the average price to be paid for each family using said water shall not be less than five dollars per annum.

SECT. 3. Said town of Plymouth is hereby authorized, in addition to the sum of thirty thousand dollars named in said act passed in the year one thousand eight hundred and fifty-four, to which this act is in addition, to issue such an amount of Plymouth water scrip, as provided in the aforesaid act, as shall be necessary, in the opinion of the legal voters of said town, to complete said aqueduct; and the same shall be issued and sold in the manner prescribed in the act aforesaid, unless otherwise provided by a vote of said town: *provided*, that no scrip shall be issued payable at a period of more than thirty years from the date of the issue of said scrip.

May issue additional water-scrip as may be necessary.

SECT. 4. All parts of the act of eighteen hundred and fifty-four, to which this is in addition, inconsistent with the foregoing provisions, are hereby repealed.

Parts of act inconsistent, etc., repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1855.*]

Proviso.

An Act to authorize the Newburyport Railroad Company to construct a Branch Railroad. *Chap. 62.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Newburyport Railroad Company is hereby authorized to construct a railroad, commencing at some convenient point on the Newburyport Railroad, in Bradford, thence running northerly across the Merrimack River, to some convenient place in Haverhill, near the terminus of the Haverhill Bridge, the bridge across the Merrimack River to be so constructed (with a suitable draw) as to give a space of at least thirty-six inches clear, upon each side of every passenger or freight car while passing over said bridge: *provided*, that the construction of said road shall not be commenced until two hundred and fifty shares of the capital stock of the said company, in addition to those already taken, shall have been subscribed by responsible parties, and twenty per cent. of each and every share paid into the treasury of the said company: and *provided*, further, that the location of said road be filed within one year, and said road be constructed within two years, from the passage of this act.

May construct a branch railroad.

Proviso.

Provided, further

SECT. 2. The Newburyport Railroad Company is authorized to contract with the Haverhill Bridge Company for the purchase of their bridge, or for such rights and privileges therein as shall be agreed upon by the parties:

May contract for purchase of bridge, etc.

Proviso.

provided, that no contract shall be made which shall hinder or interfere with the existing rights of the public in traveling over said bridge.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1855.*]

Chap. 63.

An Act concerning the New England Worsted Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

§50,000 additional
real estate.

The New England Worsted Company are hereby authorized to manufacture woollen and cotton goods, in the county of Norfolk, and for that purpose to hold real estate in said county to the amount of fifty thousand dollars in addition to the amount which they are authorized to hold by their act of incorporation. [*Approved by the Governor, March 16, 1855.*]

Chap. 64.

An Act in addition to an Act to prevent Incendiarism.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Complaints, by
whom and how
to be made.

The complaint provided for in the first section of the four hundred and twenty-fourth chapter of the acts of eighteen hundred and fifty-four, to prevent incendiarism, shall be made and sworn to by some person interested in the property alleged to be destroyed by fire, and before the police court of any town or city where such a court exists, except in the city of Boston; and in said city of Boston, and where there is no police court, it may be made to a justice of the peace. [*Approved by the Governor, March 16, 1855.*]

Chap. 65.

An Act to amend the first section of the eighty-second chapter of the Acts of eighteen hundred and fifty-one, respecting Libels for Divorce.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Provisions of act
of 1851 extended.

The provisions of the first section of the eighty-second chapter of the acts of eighteen hundred and fifty-one, respecting an allowance to the wife during the pendency of libels for divorce, are hereby extended to libels for annulling or affirming the marriage contract. [*Approved by the Governor, March 16, 1855.*]

An Act to amend the fifth section of the one hundred and twenty-fourth chapter of the Acts of eighteen hundred and forty-one, relative to the Dissolution of Attachments. *Chap. 66.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any debtor, whose goods or estate have been attached on mesne process, shall afterwards, and before judgment and execution in said suit, make any conveyance of the whole or any part of the property so attached, and subsequently thereto, and before execution issues, shall make application as an insolvent debtor under the insolvent laws of this Commonwealth, such attachment shall not thereby be dissolved. Attachments in certain cases not dissolved.

SECT. 2. The court wherein said action may be entered, or the commissioner of insolvency to whom such application in insolvency may be made, upon cause being shown by any party interested, may order that the lien created by such attachment shall continue for the benefit of creditors, as is provided in the fifth section of the one hundred and twenty-fourth chapter of the acts of eighteen hundred and forty-one; and the assignee may proceed, before or after judgment with said action, to levy execution in the name of the plaintiff, or as assignee, at the cost and expense of the creditors of the estate as is therein provided, and the court, for the benefit of creditors, may order the action to be continued, or execution to be stayed, until the assignee may be chosen and have an opportunity to appear and take charge of the action. Court, etc., may order lien to continue. Execution may be stayed, etc. [*Approved by the Governor, March 16, 1855.*]

An Act concerning the Mattfield Manufacturing Company.

Chap. 67.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Mattfield Manufacturing Company are hereby authorized to issue preferred stock to an amount not exceeding five hundred and fifty shares, of one hundred dollars each, upon which, and upon the two hundred shares last issued by said company, they may pay to the holders thereof six per cent., to be paid out of the first earnings and profits of said company, for each and every year, providing the earnings and profits of said company are sufficient therefor; and after the payment of said six per cent., the earn- May issue 550 shares preferred stock. At 6 per cent.

ings and profits of said company shall be equally divided upon the whole stock of said company.

Stockholders first
entitled to sub-
scribe.

SECT. 2. The said preferred stock shall first be offered to the stockholders in the said company, who shall be respectively entitled to subscribe therefor at its par value, in proportion to the number of shares held by them.

When to take
effect.

SECT. 3. This act shall take effect on and after its acceptance by a vote representing two-thirds of all the shares of the said company at a legal meeting called for that purpose. [Approved by the Governor, March 16, 1855.]

Chap. 68.

An Act in addition to an Act relating to Joint Stock Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Limit of capital
extended to
\$500,000.

SECT. 1. That so much of the one hundred and thirty-third chapter of the statutes of the year one thousand eight hundred and fifty-one, which limits the amount of capital stock at not less than five thousand dollars, nor more than two hundred thousand dollars, is hereby so far modified that said last limit may extend to five hundred thousand dollars.

Act of 1851
amended.

SECT. 2. So much of the fourth section of the said act as relates to certificates setting forth the corporate name, the purpose for which such corporation is formed, and the amount of capital stock thereof, is hereby amended by striking out the following words: "The names and residence of the several stockholders, and the number of shares owned by each stockholder."

Part of act re-
pealed.

SECT. 3. So much of the ninth section of the said act as requires that, whenever any stockholder shall transfer his stock in any such corporation, a certificate of such transfer shall forthwith be deposited with the town or city clerk, who shall note the time when the same was deposited, and record the certificate at full length in a book to be kept by him for that purpose, and no transfer of such stock shall be valid as against any creditor of such stockholder until such certificate shall have been deposited as aforesaid, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 19, 1855.]

An Act to punish and prevent the crime of Night-Walking.

Chap. 69.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. When any person shall be convicted as a common night-walker before any court or justice of the peace, and it shall be alleged in the complaint, and proved at the trial, that such person has been previously twice convicted of the same offence, such person may be sentenced and committed to the house of correction, or to the house of industry, or work-house, if such be established in the town or city, for any term not more than five years, to be governed and employed according to law.

Common night-walkers on third conviction to be sentenced, etc.

SECT. 2. The directors or overseers of such house of correction, house of industry, or work-house, may, on being satisfied that any person so committed is reformed, discharge such person at any period after the expiration of six months from the time of sentence. And they shall also have power to bind out such persons, after the expiration of six months from the time of sentence, for any term of time during the period for which they are committed, as apprentices or servants, to any inhabitants of this Commonwealth; and said directors or overseers, and master or mistress, apprentice or servant, shall respectively have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding were made by the overseers of the poor, and the relations between the parties shall not be affected by the age of the parties so bound out. If the master or mistress be discharged from such contract of service or apprenticeship in pursuance of sections twenty-two and twenty-three of said eightieth chapter, the person so bound out shall be returned to the place of confinement, and serve out the original sentence, if any portion thereof be unexpired; but the overseers or directors shall not be liable to the costs of the process provided by said twenty-second and twenty-third sections. [Approved by the Governor, March 19, 1855.]

Overseers may discharge after expiration of six months.

Overseers may bind out, as apprentices or servants

Subject to duties, etc., as in ch. 80, R. S.

Chap. 70. An Act to authorize the Provident Institution for Savings in the Towns of Salisbury and Amesbury to hold Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real estate to amount of \$6,000.

Proviso.

SECT. 1. The Provident Institution for Savings in the towns of Salisbury and Amesbury is hereby authorized to hold real estate to the amount of six thousand dollars: *provided, however*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the banking purposes of said corporation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1855.*]

Chap. 71. An Act relative to the Warren Institution for Savings in Charlestown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees to choose treasurer.

SECT. 1. The treasurer of the Warren Institution for Savings in Charlestown shall hereafter be elected by the trustees thereof.

How chosen.

SECT. 2. It shall require in all cases a majority of the entire number of trustees to effect such election.

SECT. 3. So much of the act incorporating such institution as is inconsistent herewith, is hereby repealed. [*Approved by the Governor, March 19, 1855.*]

Chap. 72. An Act to extend the time for the Payment of the Capital Stock of the Revere Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time of payment extended to 1856.

SECT. 1. The time within which the capital stock of the Revere Insurance Company is required to be paid in, by an act entitled "An Act to incorporate the Revere Insurance Company," passed on the twelfth day of April, one thousand eight hundred and fifty-four, is hereby extended until the twelfth day of April, one thousand eight hundred and fifty-six.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1855.*]

An Act to extend Albany Street, in the City of Boston.

Chap. 73.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is hereby authorized to construct and maintain a bridge over Roxbury Creek, in continuation of Albany Street, upon such line as shall be agreed upon between the mayor and aldermen of Boston and the mayor and aldermen of Roxbury: *provided*, that said bridge shall be furnished with a draw of such dimensions, and built in such manner, as shall be approved by a commissioner to be appointed by the governor, the fee of such commissioner to be paid by the city of Boston.

May construct bridge.

Provido.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1855.*]

An Act for the regulation of the Erection of Wooden Buildings in the City of New Bedford.

Chap. 74.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No wooden building more than sixteen feet in height from the ground or foundation thereof, shall be erected in the city of New Bedford, except under the following limitations and restrictions, namely: The dimensions of such building on the ground not to exceed twenty-five feet by fifty feet; or, being in any other proportion, not to cover more than twelve hundred and fifty superficial feet of land; the walls not to exceed twenty-two feet in height from the under side of the sills, which sills may be three feet six inches above the level of the street, to the eaves of the roof; the roof in the highest point thereof not to rise more than thirty-four feet from the under side of the sills aforesaid, and there shall be at least one scuttle at or near the highest point of said roof.

Regulating the erection of wooden buildings.

Limitations and restrictions.

SECT. 2. When two or more two-story buildings, such as are provided for in the preceding section, shall be erected in connection, or within ten feet of each other, or within ten feet of any other wooden building more than sixteen feet in height, there shall be an entire brick or stone wall between them, commencing from the foundation of said wall, and carried to the height of twelve feet above the level of the street, at least twelve inches in thickness, and the residue of said wall shall be at least eight inches in thickness;

Brick or stone wall in certain cases.

and in case any openings are made through said walls the same shall be secured against fire by iron doors applied to such openings.

Penalty for violation, etc.

SECT. 3. If any person or persons shall violate the provisions of the two preceding sections, such person or persons, on conviction thereof in any court competent to try the same, shall forfeit and pay for every such offence a sum not less than fifty nor more than five hundred dollars, and shall be liable to a like prosecution and penalty for each and every year after such conviction, until said building or buildings, erected contrary to the provisions aforesaid, shall be removed or made to conform thereto; and the said penalties and forfeitures incurred by virtue of this act, may be recovered by indictment to the use of the city of New Bedford, or by an action of tort in any court competent to try the same, one-half to the use of the person or persons who shall sue therefor, and the residue to the use of the said city.

Liable each and every year.

Penalties, how recovered.

Duties of engineers.

SECT. 4. It shall be the duty of the board of engineers of the said city to cause suits to be commenced without delay against each and all who shall violate the provisions of the three preceding sections, and to prosecute the same to final judgment.

Buildings to be deemed as nuisance.

SECT. 5. Any building hereafter erected in the city of New Bedford contrary to the provisions of this act, shall be deemed and taken to be a common nuisance, and the mayor and aldermen of said city shall have the same power and authority to abate and remove any such building as are given to the board of health in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes: *provided, however*, that nothing in this section shall be construed as affecting any remedies already given in the preceding sections.

Mayor and aldermen may abate and remove.

Mayor and aldermen may authorize, etc.

SECT. 6. The mayor and aldermen of the city of New Bedford may authorize the erection of wooden buildings in such parts of said city as they shall deem best, upon such terms and conditions, and subject to such limitations and restrictions as they may deem expedient. [*Approved by the Governor, March 24, 1855.*]

An Act to authorize Samuel Young, of Chatham, to construct a Fish Weir. *Chap. 75.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Young, of Chatham, is hereby authorized to construct a fish weir on the north side of the new harbor on the flats adjoining Nauset Beach, in the town of Chatham, in the county of Barnstable: *provided*, said fish weir shall cause no obstruction to navigation nor infringe on the rights of others. Fish Weir in Chatham. Proviso.

SECT. 2. Any person or persons unlawfully taking fish from said weir, or obstructing the passage of fish into said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars, to be recovered in any court competent to try the same, for the use of the person who shall prosecute therefor. Penalty for unlawful fishing, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1855.*]

An Act to regulate the location of Lumber Yards in the City of New Bedford. *Chap. 76.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No lumber yard shall hereafter be located, nor any lot of land be used, for the storage of boards, beams, joists, planks, staves and hoops, or other kinds of lumber, within the limits of the city of New Bedford, unless the mayor and aldermen of said city shall have previously granted a license therefor, designating the place where the yard shall be located, which shall be used for the storage of lumber, and other such provisions and limitations as to protection against fire as they shall judge necessary for the safety of the neighborhood; such licenses to be granted on written application, and to be recorded in the records of the city. Location of lumber yards, etc. Mayor and aldermen to designate place, etc.

SECT. 2. Whenever the mayor and aldermen of the city of New Bedford, after due notice in writing to the owner or person having control of any such lumber yard, used as such previous to the passage of this act, and a hearing of the matter, shall adjudge the same to be dangerous or a nuisance to the neighborhood, they may make and record an order, prescribing such rules and restrictions as to protection against fire as they shall deem the safety of the neighborhood to require. Mayor and aldermen may prescribe rules, etc., after notice given

Yards without license to be deemed as common nuisance.

SECT. 3. Any such lumber yard hereafter located without license made and recorded as aforesaid in section first, shall be deemed and taken to be a common nuisance, without any other proof thereof than proof of its use; and any yard or lot used for the storage of lumber contrary to the provisions of section second, shall be taken and deemed to be a common nuisance.

Power of mayor and aldermen to abate nuisance.

SECT. 4. The mayor and aldermen of the city of New Bedford shall have the same power and authority to abate and remove any lumber stored or kept contrary to the preceding provisions, as are given to the boards of health in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes.

On application for license mayor to give notice.

SECT. 5. Whenever application shall be made for license as aforesaid, the mayor and aldermen of the city of New Bedford shall assign a time and place for the consideration of the same, and shall cause public notice thereof to be given at least fourteen days beforehand, in such manner as said mayor and aldermen may direct, and at the expense of the applicant, in order that all persons interested may be heard before the granting of a license.

Penalty for violation, etc.

SECT. 6. If any person or persons shall violate the provisions of either of the preceding sections, such person or persons, on conviction thereof in any court competent to try the same, shall forfeit and pay, for every such offence, a sum not less than fifty, nor more than five hundred, dollars, and shall be liable to a like prosecution and penalty for each and every year after such conviction, until said lumber is removed or made to conform to the provisions of this act; and the said penalties and forfeitures incurred by virtue of this act may be recovered, by indictment, to the use of the city of New Bedford, or by an action of tort, in any court competent to try the same, one-half to the use of the person or persons who shall sue therefor, and the residue to the use of the said city: *provided, however*, that nothing in this section shall be construed as affecting any remedies already given in the preceding sections.

Liable each and every year.

Penalties, how recovered.

Proviso.

Duties of engineers.

SECT. 7. It shall be the duty of the board of engineers of the said city to cause suits to be commenced, without delay, against each and all persons who shall violate the provisions of the preceding sections, and to prosecute the same to final judgment. [*Approved by the Governor, March 24, 1855.*]

An Act to incorporate the Lynn Library Association.

Chap. 77.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Peter L. Cox, Benjamin F. Moore, John H. Corporators.
Alley, William A. Brown, Benjamin B. Newhall, their asso-
ciates and successors, are hereby made a corporation by
the name of the Lynn Library Association, for the forma- Name.
tion and maintenance of a public library in the city of Lynn;
with all the powers and privileges, and subject to all the Powers, privi-
legues, etc.
restrictions, duties and liabilities, set forth in the forty-
fourth chapter of the Revised Statutes.

SECT. 2. This corporation may hold real and personal Real and personal
estate not to ex-
ceed \$20,000, to be
vested in trustees
estate to be used for the purpose aforesaid, not exceeding
the value of twenty thousand dollars, the legal title of
which shall be vested in seven trustees, who shall be
appointed by a majority of the members of the association,
but subject in the care and disposal thereof to the control
and direction of a majority of a joint board consisting of
the said trustees and of a board of directors; which board
of directors shall not consist of more than nine members.

SECT. 3. Persons above the age of fifteen years shall be
eligible as members of this association, and shall be entitled Persons eligible
as members and
as trustees.
to vote and act as officers thereof, excepting that no person
under adult age shall be a trustee. [Approved by the Gov-
ernor, March 24, 1855.]

An Act authorizing Children to attend School in an adjoining Town.

Chap. 78.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Children living remote from any public school in the town
in which they reside, may be allowed to attend the public
schools in an adjoining town, under such regulations, and on
such terms as the school committee of said adjoining towns
may prescribe; and the school committees are authorized
to pay out of the appropriations of money raised for the
support of schools, in aid of such children. [Approved by
the Governor, March 24, 1855.]

Chap. 79. An Act to establish a Registry of Deeds in the Northern District of Middlesex.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Registry of deeds established.

Northern District of Middlesex.

SECT. 1. The city of Lowell, the towns of Dunstable, Tyngsboro', Dracut, Tewksbury, Billerica, Chelmsford, Carlisle, Wilmington, and Westford, in the county of Middlesex, are hereby constituted a district for the registry of deeds, which district shall be known as the Northern District of Middlesex, and for all things relating to the register or registry of deeds or other instruments, shall be deemed to be a county, and all provisions of law concerning such office shall apply to that office except as is hereinafter provided; and the office of said registry shall be kept in the court-house in the city of Lowell.

Governor to appoint register, until, etc.

SECT. 2. The governor and council shall, on or before the first day of July next, appoint some suitable person to be a register of deeds for said district from the first day of July next, until some person shall be chosen and qualified in the manner hereinafter provided.

Register to be chosen at annual election in 1855.

SECT. 3. At the annual election in November, in the year eighteen hundred and fifty-five, and at the annual election in every third year thereafter, there shall be chosen by the city and towns before named a register of deeds for said district, who shall hold his office for the term of three years, and until another is chosen and qualified in his place.

Existing laws to apply, etc.

SECT. 4. All laws in force when this act shall take effect in relation to the election of registers of deeds in the various counties, and all laws relative to the registers and registries of deeds, shall apply to the elections in said city and towns, and to the manner of returning the votes and declaring an election, and to the officer and office hereby created, except so far as they be inconsistent herewith.

Southern District of Middlesex for registry of deeds, etc.

SECT. 5. All the towns and cities in said county of Middlesex not above named shall remain a district for the registry of deeds, and shall be known as the Southern District of Middlesex for the registry of deeds, and in all things relating to the registry and register of deeds and other instruments, shall be deemed a county. And the present register of deeds for said county shall be register of said last-mentioned district until some other person is chosen and qualified in his stead according to law.

Deeds, etc., to be delivered to register of Northern District.

SECT. 6. The register of deeds for the Southern District of Middlesex shall, on demand, deliver to the custody of the

register of deeds for the said Northern District all the original deeds and other instruments recorded and remaining in the office of the former conveying or relating to land or estates situated in said last-named district.

SECT. 7. This act shall take effect on the first Monday of July next, excepting as to the appointment of register as is provided in the second section hereof; and for this latter purpose it shall take effect on the second Monday of June next. *[Approved by the Governor, March 24, 1855.]* When to take of
fect.

An Act to authorize Charles F. Dunham to build a Wharf.

Chap. 80.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles F. Dunham is hereby authorized to build and maintain a wharf extending from his lot of land at a place called Tower Hill, in the town of Edgartown, far enough into the harbor to allow of ships loading at the end thereof, to be called Tower Hill Wharf; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, Wharf in Edgar-
town.

Rights, etc.
Proviso. that this grant shall not interfere with the legal rights of any person or persons.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 24, 1855.]*

An Act to amend an Act to incorporate the Mystic River Works.

Chap. 81.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The first section of the act to incorporate the "Mystic River Works," passed May twenty-fifth, in the year one thousand eight hundred and fifty-three, is so far amended as to authorize said corporation to manufacture locomotives, engines, cars, and other articles of iron or wood, and machinery, in the town of Chelsea, county of Suffolk, and in the town of Malden, county of Middlesex, and in both or either of said towns. Act amended.

Chelsea and Mal-
den.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 24, 1855.]*

Chap. 82. An Act to authorize the City of Cambridge and the Town of Somerville to fill up Miller's Creek Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cambridge and
Somerville may
may fill up bridge.

SECT. 1. The city of Cambridge and the town of Somerville are hereby authorized to fill up and make solid so much of a bridge known as the Miller's Creek Bridge, over tide-water at the westerly end of Bridge Street, between said Cambridge and Somerville, as the safety of the public travel may require: *provided, however*, that an aperture of at least fifteen feet be left for the ebbing and flowing of the tide.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1855.*]

Chap. 83. An Act to establish a Police Court in the Town of Williamstown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police court
established.

SECT. 1. A police court is hereby established in the town of Williamstown, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Jurisdiction.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors committed within said town of Williamstown, whereof justices of the peace now have or may have jurisdiction; also of all suits and actions which may now or any time hereafter be heard, tried, and determined before any justice of the peace in the county of Berkshire, whenever all the parties shall reside in Williamstown and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction, with justices of the peace, in said county of Berkshire, over all crimes, offences and misdemeanors, whereof justices of the peace within the county of Berkshire now have or may have jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Berkshire; but nothing in this section shall affect the jurisdiction of the court of common pleas.

Appeal allowed.

SECT. 3. An appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent that appeals are now allowed by law from judgments of jus-

tices of the peace; and the justice of said police court shall not be counsel for any party in any cause which may be pending in said court.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

Fines, etc., how disposed of.

SECT. 5. The justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain for his services in criminal prosecutions a sum exceeding three hundred dollars, annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions over and above that sum.

What fees court may retain.

Fees over \$300 paid county treasurer.

SECT. 6. A court shall be held by said justice at some suitable place in said town of Williamstown, to be provided at the expense of said justice, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on one day in each week, to be appointed and made known by said justice, for the trial of civil suits and actions. The justice of said court may adjourn said court as justices of the peace may now adjourn the same hearings or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Court, how often to be held.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the said town of Williamstown a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

Justice to keep record and make return.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special

One special justice.

justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same service.

How paid.

Pending actions,
how disposed of.

SECT. 9. All suits, actions, and prosecutions which shall be pending within the said town of Williamstown before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Justices, when
appointed.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing justice and special justice at any time after the passing of this act.

When to take ef-
fect.

SECT. 11. This act shall take effect on and after the first day of May next. [*Approved by the Governor, March 24, 1855.*]

Chap. 84. An Act to authorize Thomas L. Eldridge and his associates to construct a Fish Weir.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fish Weir in
Orleans.

SECT. 1. Thomas L. Eldridge and his associates are hereby authorized to construct a fish weir and other necessary fixtures in the tide-waters at a place where the channel that runs southerly from Broad Creek (so called) unites with the Crooked Channel (so called) in the south-easterly part of Orleans, in the county of Barnstable, for the purpose of taking fish: *provided*, that the said weir shall not be so constructed or maintained as to obstruct the navigation at said place or infringe on the rights of others.

Proviso.

Penalty for un-
lawful fishing,
etc.

SECT. 2. If any person shall wilfully injure or destroy said weir or any part thereof, or shall, without leave of the owners thereof, take from the same any fish found therein, he shall, upon conviction, forfeit and pay to the use of the owners of said weir a sum not exceeding twenty dollars, to be recovered in any court of competent jurisdiction, and shall moreover be liable to the parties injured for all damages in a civil suit.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1855.*]

An Act authorizing David Parkhurst to extend his Wharf.

Chap. 85.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. David Parkhurst is hereby authorized to extend and maintain his wharf at Duncan's Point, in the town of Gloucester, in the county of Essex, into the harbor of said town of Gloucester, so far in a southerly and westerly direction as to cover certain hidden and dangerous rocks contiguous thereto, and also to extend the easterly part of said wharf two hundred and sixty-three feet to a direct line leading from the large rock on the southerly side of the premises to the Harbor Rock, so called. And he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any person or persons whatever.

May extend wharf.

Rights, etc.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 24, 1855.]

An Act to authorize the City of Boston to lay out a Highway.

Chap. 86.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The proper authorities of the city of Boston are hereby empowered to lay out and construct a highway in continuation of Charles Street, commencing at Cambridge Street, thence over the land in front of the new jail, thence over the tide-waters in Charles River, and thence to North Charles Street, and over and along said street to the street leading to Cragie's Bridge, so called; and the said authorities may lay out the said proposed street the whole distance at one time, or portions thereof at different times, as they may deem it most expedient: *provided*, that the said street shall not be laid out below the commissioners' line, as established by law.

City may lay out street.

Boundaries.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1855.]

An Act to authorize Paul L. Bangs to build a Wharf in Provincetown Harbor.

Chap. 87.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Paul L. Bangs is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to ex-

May build wharf.

Rights, etc. tend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, that this grant shall not affect the legal rights of any person. [*Approved by the Governor, March 26, 1855.*]

Proviso.

Chap. 88. An Act to authorize Thomas Sparrow and his associates to construct a Fish Weir.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fish weir in Chatham.

SECT. 1. Thomas Sparrow and his associates, in the town of Chatham, are hereby authorized to construct a fish weir, commencing on the westerly shore of Monomory Beach, in said Chatham, at the south side of Steward's Hole, (so called,) and to extend said weir to not more than eight hundred yards in a westerly direction into Chatham Bay, in Barnstable County, with all the privileges thereto attached: *provided*, that said weir shall cause no obstruction to navigation, or infringe on the rights of others.

Proviso.

Penalty for unlawful fishing, etc.

SECT. 2. If any person shall wilfully injure or destroy said weir or any part thereof, or shall, without leave of the owners thereof, take from the same any fish found therein, he shall, upon conviction, forfeit and pay to the use of the owners of said weir, a sum not exceeding twenty dollars, to be recovered in any court of competent jurisdiction, and shall, moreover, be liable to the parties injured for all damages, in a civil suit.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

Chap. 89. An Act to extend a Wharf in Rochester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Rochester.

SECT. 1. Loring Meigs and David Pratt are hereby authorized to extend their wharf in Mattapoisett harbor, in the town of Rochester, to the channel of said harbor, and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall not impair the legal rights of any person.

Rights, etc.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act to authorize Barnabas W. Eldridge, Francis Joseph, Canada Perry *Chap. 90.*
and their associates to build a Fish Weir.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Barnabas W. Eldridge, Francis Joseph, Canada ^{Fish weir in Dennis.}
Perry and their associates, are hereby authorized to construct a fish weir near Kilt Pond Point (so called) on the south shore of the town of Dennis, in the county of Barnstable: *provided*, said weir shall cause no obstruction to ^{Proviso.}
navigation nor encroach on the rights of others.

SECT. 2. Any person or persons unlawfully taking fish ^{Penalty for unlawful fishing, etc.}
from said weir, or obstructing the passage of fish into said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars, to be recovered in any court competent to try the same, for the use of the person who shall prosecute therefor.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act in relation to Days of Grace on Commercial Paper, in certain *Chap. 91.*
cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of chapter one hundred and ^{Act of 1838, chap. 182, amended.}
eighty-two, of the statutes of the year one thousand eight hundred and thirty-eight, shall be so amended as to include the day known as Christmas, and the fifth day of July when the fourth day of July occurs on Sunday; and all bills of exchange, drafts or promissory notes becoming due and payable on those days, shall be subject to all the provisions of said chapter.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act concerning the Election of County Treasurers and Registers of *Chap. 92.*
Deeds.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. At the annual election in November, in the year ^{Election of county treasurers and registers of deeds.}
eighteen hundred and fifty-five, and every third year thereafter, there shall be chosen, by the qualified voters of the several towns and cities in each county, (except Suffolk and

Nantucket,) a suitable person, being a resident of the county for which he is chosen, to be the treasurer of such county, and another suitable person in each county to be register of deeds therein.

Votes to be sorted, counted, and proclamation made, etc.

SECT. 2. At said elections the votes shall be sorted and counted by the selectmen of the towns, and by the wardens and ward clerks of the cities in open town and ward meeting, and public declaration made thereof at such meetings. The names of all persons voted for, and the number of votes received by each person, and the title of the office for which he is proposed, shall be entered by the town clerks in the town records, and by the ward clerks in the ward records, in words at length; and the said ward clerks shall forthwith deliver to the city clerks certified copies of such records, who shall forthwith enter the same in the city records. The said town and city clerks shall, within ten days from the day of said election, transmit, under seal, attested copies of the records so by them made, to the county commissioners of their respective counties.

To be returned to county commissioners in ten days.

Duty of county commissioners.

SECT. 3. It shall be the duty of the county commissioners to meet on the first Wednesday of January next succeeding each election as aforesaid, and examine the returns so transmitted to them; and the persons who shall thereupon be found to be legally chosen, and who shall be otherwise qualified, shall be declared to be the county treasurer and register of deeds, and shall hold their respective offices for the term of three years, and until others are chosen and qualified in their stead. And in case no person shall be found to be elected, by reason of two persons having an equal number of votes for either said offices, the commissioners shall proceed according to the provisions of the forty-sixth section of the fourteenth chapter of the Revised Statutes.

County treasurers for current year, term limited.

SECT. 4. The election of county treasurers for the current year shall be made in the same manner as heretofore; and the persons so chosen (except those of Suffolk and Nantucket) shall hold their offices until said first Wednesday of January, and until others are chosen and qualified in accordance with the provisions of this act.

Registers of deeds now in office, term limited.

SECT. 5. The registers of deeds for the several counties now in office shall hold their offices until others are chosen and qualified in their stead in pursuance of the provisions of this act, but no longer.

Inconsistent acts repealed.

SECT. 6. All laws inconsistent herewith are hereby repealed. [*Approved by the Governor, March 26, 1855.*]

An Act in relation to School Reports and Returns.

Chap. 93.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When the school committee of any city or town in this Commonwealth shall fail to make the reports and returns now required by law, or either of them, within the time prescribed, viz., on or before the last day of April in each year, the secretary of the Commonwealth, to whose office such reports and returns are to be forwarded, shall forthwith notify the committee, or otherwise the clerk of the said city or town, who shall immediately cause the same to be transmitted to the secretary.

School committees failing to make return, secretary to give notice.

SECT. 2. When any report or return shall be found informal or incorrect, the secretary shall forthwith return the same to the committee for their further action, with notice of the errors or omissions to be corrected or supplied.

Reports found informal to be returned by secretary.

SECT. 3. All returns or reports which may have been delayed, or which are returned by the secretary for the correction of such errors or omissions as would have prevented their acceptance originally, shall be received by him if returned to his office during the month of May: *provided, however,* that in all such cases there shall be deducted the sum of ten per cent. from the whole amount which such city or town would have otherwise received. [Approved by the Governor, March 26, 1855.]

Returns may be made during May.

Proviso.

An Act concerning the Harvard Branch Railroad.

Chap. 94.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The purchaser or purchasers of the real estate, franchise and privileges of said Harvard Branch Railroad Corporation, at any sale thereof in pursuance of the authority given by an act entitled an Act concerning the Harvard Branch Railroad, approved on the nineteenth day of April, in the year eighteen hundred and fifty-four, and their associates, may form themselves into a corporation of the same name, and with the same rights and privileges, and subject to the same liabilities and restrictions, as those set forth in the act incorporating said company, and any acts in addition thereto; and said railroad may be purchased by, and transferred to, any other railroad corporation, with its franchise and all its property and privileges, in which case

Purchasers of Harvard Branch Railroad authorized to sell and transfer to any other railroad corporation.

Name.

the purchasing corporation may own and manage the same in their own name, as amalgamated with their own road and property, or in the present name of the Harvard Branch Railroad.

Authority to unite with Fitchburg Railroad confirmed.

SECT. 2. The right and authority of said Harvard Branch Railroad Company to unite said railroad with the Fitchburg Railroad, as implied by its title, is hereby recognized and confirmed, and also its right and privilege to use said Fitchburg Railroad, according to the provisions of chapter one hundred and ninety-one, of eighteen hundred and forty-five, entitled an act to regulate the use of railroads: *provided*, that nothing construed in this act shall require the Fitchburg Railroad to run an extra train or extra trains for the accommodation of said Harvard Branch Road.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

Chap. 95. An Act to compel the erection of Bounds at the termination and angles of Roads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Penalty for neglecting to erect bounds at termination and angles of county, town, and city roads.

SECT. 1. Whenever the county commissioners of the several counties, the selectmen of the several towns, and the mayor and aldermen of the several cities of the Commonwealth, shall neglect to comply with the provisions of the one hundred and ninety-second chapter of the acts of the year one thousand eight hundred and forty-eight, for the space of one month after being notified so to do by the owner of any land through which roads have been laid out since the passage of the act aforesaid, or shall hereafter be laid out, the town, if said road be a town road, the county, if the road be a county road, and the city, if the road be a city road, shall be liable to pay said land owner the sum of fifty dollars for each and every month that said neglect shall continue, to be recovered by said land owner of said town, county or city, as the case may be, in an action of tort.

Penalty, how recovered.

When to take effect.

SECT. 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and fifty-five. [*Approved by the Governor, March 26, 1855.*]

An Act to incorporate the New England Scandinavian Benevolent Relief Society. *Chap. 96.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. C. A. Thulin, John N. Peterson, their associates and successors, are hereby made a corporation by the name of the New England Scandinavian Benevolent Relief Society, in the city of Boston, for the purpose of affording, by means of a stated contribution from the members, pecuniary assistance to each other in time of sickness, and by payment of a certain uniform sum of money towards the funeral expenses of each member, upon his or her decease, to secure decent burial for each other, and for the purpose of protecting from impositions, and rendering aid and assistance to Scandinavian immigrants arriving in the port of Boston, and to such Scandinavians as, from sickness or destitution, might become a charge upon the public; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Purpose.

Powers, privileges, etc.

SECT. 2. Said corporation may hold personal estate to the amount of five thousand dollars.

Real and personal estate, \$5,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act to regulate the Sidewalks in the City of Roxbury.

Chap. 97.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever the mayor and aldermen of the city of Roxbury shall deem it expedient to construct sidewalks in any of the streets or portions of streets in said city, they are hereby empowered and authorized to furnish such edge-stones as may be required therefor, the abutters bearing the expense of the materials; and whenever two-thirds of the abutters on any street shall unite in a petition to the city government for the construction in their street of sidewalks with edge-stones, and for the covering said sidewalks with brick, flat stones, or plank, the same shall be made, and the expense of the above named materials shall be assessed upon the abutters in proportion to the length of the lines of their respective estates on said street: and it is herein further provided that, in case of refusal of any abutter or abutters

Mayor and aldermen to furnish edge-stones.

Abutters to be assessed for proportion of expense.

How recovered.

to pay the amount so assessed, in such time as said city government of Roxbury shall designate, then such amount or amounts shall be recoverable by an action of contract, to be brought by the mayor and aldermen of said city, or by any other person or persons duly authorized for the purpose, before any tribunal or court having competent jurisdiction in the premises.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

Chap. 98. An Act to authorize the Town of West Cambridge to establish a Fire Department.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fire department
in West Cam-
bridge estab-
lished.

The selectmen of the town of West Cambridge are hereby authorized to establish a fire department in said town in the manner and according to the provisions prescribed in an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine; and said fire department, when so established, and the several members thereof, all the officers and companies appointed by them and the said town of West Cambridge, and the inhabitants thereof, shall be subject to all the duties and liabilities, and be entitled to all the privileges and exemptions specified in said act, so far as the same relates to them respectively. [*Approved by the Governor, March 26, 1855.*]

Subject to duties,
liabilities, etc., as
specified in act of
April 9, 1839.

Chap. 99. An Act amendatory of an Act entitled an Act to incorporate the Trustees of the Partridge Ministerial Fund.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act amended.

SECT. 1. Section third of an act passed February twenty-four, in the year eighteen hundred and twenty-nine, is so amended that when any member of said board of trustees shall cease to be a member of the First Congregational Parish of Duxbury, he shall thereby cease to be a member of said board of trustees, and the said board of trustees shall proceed to fill such vacancy in the same manner as they fill other vacancies as provided in said act of incorporation.

Trustees to be
members of First
Congregational
Parish.

SECT. 2. No person shall be elected to fill any vacancy in said board of trustees who is not at the time of such election a member of the said First Congregational Parish of Duxbury.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act to incorporate the Worcester and Nashua Telegraph Company. *Chap. 100*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George T. Rice, George W. Bentley, George W. Richardson, H. N. Bigelow, F. Wayland, Jr., and A. J. Baldwin, their associates and successors, are hereby made a corporation by the name of the Worcester and Nashua Telegraph Company, for the purpose of constructing and using a line of telegraph from the city of Worcester to some distinct and convenient point in the northern boundary line of this Commonwealth, there to connect with a telegraph line to the city of Nashua, in the State of New Hampshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in an act approved on the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "An Act concerning Electric Telegraph Companies and Electric Telegraphing," and such other general acts as may at any time be in force in this Commonwealth concerning like corporations: *provided, however*, that the said telegraph line shall be constructed within one year from the passage of this act.

SECT. 2. The capital stock of said company shall not exceed twenty-five thousand dollars, and no shares thereof shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1855.*]

An Act to amend an Act entitled "An Act concerning the Publication of the Condition of Banks." *Chap. 101*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every bank neglecting to comply with the provisions of the third section of the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four, shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, twenty-five dollars for each neg-

Corporators.

Name.

Purpose

Powers, privileges, etc.

Proviso.

Capital stock, \$25,000.

No shares to be issued under par.

Penalty for neglecting to make returns.

lect; and every bank so neglecting shall be immediately notified thereof by the secretary of the Commonwealth; and if said bank shall continue said neglect for ten days from said first Monday of each month, it shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, five hundred dollars for every such neglect: *provided, also*, that no bank shall be held liable to the penalty of twenty-five dollars, imposed in this section, if it shall be made to appear, to the satisfaction of the secretary and treasurer of the Commonwealth, that the returns required in the said third section of the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four were duly made and deposited by the officers of said bank, in the post office where the same may be located, properly directed to the secretary of the Commonwealth, and that there was no neglect on the part of the officers of said bank.

Proviso.

Further penalty of \$500.

SECT. 2. Every bank neglecting to comply with the provisions of the other sections of said act of eighteen hundred and fifty-four, shall forfeit, to the use of the Commonwealth, to be recovered by the treasurer thereof, five hundred dollars for each and every neglect.

Part of act repealed.

SECT. 3. The sixth section of the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four is hereby repealed. [*Approved by the Governor, March 26, 1855.*]

Chap. 102 An Act in addition to an Act for the Preservation of Grouse, or Heath Hen.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Acts repealed.

SECT. 1. The one hundred and seventieth chapter of the acts passed in the year one thousand eight hundred and thirty-seven, and the seventh chapter of the acts passed in the year one thousand eight hundred and forty-one, and the fifth section of the one hundred and fifty-sixth chapter of the acts passed in the year eighteen hundred and forty-four, are hereby repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1855.*]

An Act to incorporate the Boston Mutual Benefit Association. *Chap. 103*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. D. Humphreys Storer, F. H. Sprague, Moses Sprague, David Wilder, Jr., their associates and successors, are hereby made a corporation by the name of the Boston Mutual Benefit Association, for the purpose of affording, by means of a stated contribution from the members thereof, pecuniary assistance to each other in time of sickness, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Purpose.

Privileges, liabilities, etc.

SECT. 2. The said corporation, for the purpose aforesaid, may take and hold real or personal estate, or both, to an amount not exceeding twenty thousand dollars. [Approved by the Governor, March 28, 1855.]

Real and personal estate not to exceed \$20,000.

An Act to authorize the making of Roads and Drains in certain cases. *Chap. 104*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any town or city, person or persons, company or body corporate, having the ownership of low lands, lakes, swamps, quarries, mines, or mineral deposits, that, by means of adjacent lands belonging to other persons, or occupied as a highway, cannot be approached, worked, drained, or used in the ordinary manner without crossing said lands or highway, may be authorized to establish roads, drains, ditches, tunnels, and railways to said places, in the manner herein provided.

Authorized to establish roads, drains, etc.

SECT. 2. The party desiring to make such improvements shall file a petition therefor with the commissioners of the county in which the premises are situated, setting forth the names of the persons interested, if known to the petitioner, and also, in detail, the nature of the proposed improvement and the situation of the adjoining lands; which said petition shall be accompanied with a bond, satisfactory to said commissioners, for the payment of such expenses as may be incurred in the prosecution of the application.

Petitions to be filed with county commissioners.

SECT. 3. The commissioners of the county, on the filing of the petition and bond, and at their first meeting thereafter, shall give public notice, at least three weeks in advance, of the time and place of meeting to consider the

Commissioners to give notice, etc.

petition, in some newspaper printed in said county; and if no newspaper is there printed, they shall give notice in such a manner as will cause the same to be known to the parties interested; they shall further give notice to the mayor of any city, and the clerk of any town, in which the premises are situated.

Commissioners may lay out, etc., and assess damages.

SECT. 4. The commissioners of the county shall meet at the time and place appointed, and after examination, inspection, and the hearing of evidence, shall determine whether the improvement prayed for is necessary, and if so, shall proceed to lay out and establish the same in such manner as shall do as little injury as practicable, and furthermore shall proceed to assess the amount of damages which, in their opinion, the proprietor of the adjacent lands will sustain; and in case more than one party is to be benefited, they shall apportion the same equitably among the respective parties, having strict regard to the benefits which they will receive; and the award so made shall be deemed conclusive upon each of the parties charged with such payment, unless said award is appealed from as hereinafter provided, within the period of one year.

Persons benefited compelled to contribute.

SECT. 5. Whenever it may be necessary to repair any improvement thus constructed, a majority of the persons benefited by it may cause such repairs to be made, and may compel contributions from each person benefited, on the basis of the award.

Appeal.

SECT. 6. In all cases where a party feels aggrieved by the award of the commissioners, the right of appeal shall lie, to be regulated by the general acts of this Commonwealth relating to railroads and highways.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1855.*]

Chap. 105 An Act to authorize the Charles River Railroad Company to change their Location and extend their Line.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location changed

SECT. 1. The said company are hereby empowered to change their location in Medway and Bellingham, by locating and constructing a railroad diverging from their chartered and located line at some point near the west village of said Medway, and thence running through the north-westerly part of Bellingham, across the south-easterly corner of Mendon, and in the easterly part of Blackstone, by or

near the valley of Mill River, to some point on the line of Rhode Island, convenient to unite with the New York and Boston Railroad, and may discontinue that portion of their located line which lies south of the said point of divergence.

Part of line discontinued.

SECT. 2. The said company shall continue liable to pay all persons and corporations all damages which shall be caused prior to such discontinuance, by the location of said line thus discontinued.

Company to continue liable, etc.

SECT. 3. If the location of such new line of railroad shall not be filed according to law within one year from the passage of this act, and if the same shall not be completed, with at least one track, within two years from the passage of this act, then this act shall be void.

Location filed in one year and completed in two years.

SECT. 4. The said company shall, with respect to the new line hereby authorized, be subject to all the duties, restrictions and liabilities, and enjoy all the rights and privileges, set forth in all preceding acts in relation to this company, and in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to railroads, and in the public statutes which have been or may hereafter be passed relating to such corporations.

Duties, liabilities, etc.

SECT. 5. The legislature may authorize any company to enter with their railroad at any point on said road, and use the same or any part thereof, by complying with such reasonable rules and regulations as said Charles River Railroad Company may prescribe, and paying such toll as may be agreed upon by the parties, or may be determined according to law.

May be used by other roads.

SECT. 6. The Charles River Railroad Company, in constructing the railroad authorized by this act, shall construct the same under the railroad of the Boston and New York Central Railroad in such manner as shall be directed and approved by the county commissioners, upon application made to them by either of said railroad companies.

How constructed.

To be approved by county commissioners.

SECT. 7. The Charles River Railroad Company and the New York and Boston Railroad Company, a corporation established under the laws of the States of Rhode Island and Connecticut, (or any railroad company which now is or may be authorized to unite its railroad stock with the stock of the Charles River Railroad Company,) are hereby authorized to unite themselves in one corporation, upon such terms as shall be agreed upon, whenever a majority in interest in each of said companies shall, by a vote at meetings called for the purpose, decide so to unite. And when such

May unite railroads.

Name of united corporations.

Duties, liabilities, etc., of united corporations.

One director to be an inhabitant of Massachusetts.

Separate accounts to be kept and commissioners to be appointed.

votes shall have been passed by said corporations, they shall thereupon become one corporation, under such name as, after such union, shall be adopted, and all the franchises, property, powers and privileges, now enjoyed by, and all the restrictions, liabilities and obligations imposed upon, such corporation or corporations, by their respective charters, shall appertain to such united corporation in the same manner as if the same had been contained in, or acquired under, an original charter; and the said Charles River Railroad Company shall not, by any such union with any other company, be thereby released from any liability or obligation under which they now are to any person or corporation; but such liabilities and obligations may be enforced against the united corporation in the same manner as they may now be enforced against the Charles River Railroad Company.

SECT. 8. If the union provided for in the preceding section shall be effected, one or more of the directors or other officers of said united corporation shall be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

SECT. 9. The said company shall keep a separate account of their expenditures in Massachusetts, Rhode Island, and Connecticut, respectively; and three commissioners shall be appointed, one by the governor of each State, to hold their offices for the term of four years, and to be compensated by said company, who shall decide what portion of the expenditures of said company and of its receipts and profits properly pertain to those parts of the road lying in Massachusetts, Rhode Island, and Connecticut respectively; and the annual report required to be made by the directors to the legislature of this Commonwealth, shall be approved by said commissioners. [*Approved by the Governor, March 28, 1855.*]

Chap. 106

An Act concerning the Taxation of Minors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Property, where assessed.

All personal property belonging to minors under guardianship shall be assessed to the guardian in the town where the minor may reside and have his home. [*Approved by the Governor, March 28, 1855.*]

An Act to incorporate the Shelburne Falls Five Cents Savings Bank. *Chap. 107*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. E. G. Lamson, S. J. W. Tabor, William T. Clement, J. B. Bardwell, Luther Bullard, G. B. Hays, Nathaniel Lamson, J. B. Whitney, E. A. Baldwin, Franklin Bullard, their associates and successors, are hereby made a corporation by the name of the Shelburne Falls Five Cents Savings Bank, to be established in the town of Shelburne; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of the Commonwealth relating to institutions for savings.

Corporators.

Name.

Duties, liabilities, etc.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor.

Trustees may pay to minors.

Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1855.*]

An Act to authorize Henry Slade and James Hardin to extend their Wharf in the Town of Chelsea. *Chap. 108*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry Slade and James Hardin are hereby authorized to build and maintain a wharf upon their land lying on Marginal Street, in the town of Chelsea, and to extend the same to the commissioners' line; and they shall have the right to lay vessels at the sides and ends of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, and that this act shall in no wise impair the legal rights of any person whatever.

Wharf in Chelsea.

Rights, etc.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1855.*]

Chap. 109 An Act to extend the time for the Construction of the Millbury and Southbridge Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for construction extended one year.

The time allowed to the Millbury and Southbridge Railroad Company to construct its railroad, is hereby extended one year beyond the time now fixed by law for the construction thereof. [*Approved by the Governor, March 28, 1855*]

Chap. 110 An Act to incorporate the Stoneham Five Cents Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Allen Rowe, Oliver W. Richardson, Micah Williams, Benjamin T. Richardson, Darius Stevens, William G. Fuller, Elbridge Gerry and J. P. Gould, their associates and successors, are hereby made a corporation by the name of the Stoneham Five Cents Savings Bank, to be established and located in the town of Stoneham, in the county of Middlesex ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of the Commonwealth relating to institutions for savings.

Name.

Powers, privileges, etc.

Deposits.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

Trustees may pay to minors.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same ; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made, personally, by said minor.

Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1855.*]

An Act relating to Filing Executors' Bonds.

Chap. 111

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Judges of probate may hereafter, if they see fit, grant letters testamentary to any person or persons appointed executor or executors, who shall give the bond prescribed by the statutes of this Commonwealth in such cases, at any time before letters testamentary or of administration with the will annexed shall have been granted on the estate, the provision in section fifth of the sixty-third chapter of the Revised Statutes, in relation to the neglect of any person appointed an executor for twenty days after probate of the will to give the requisite bond, to the contrary notwithstanding.

Judges of probate may grant letters testamentary, etc.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 29, 1855.]

An Act to incorporate the Mechanics' Mutual Fire Insurance Company in Worcester. Chap. 112

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ichabod Washburn, Peter C. Bacon and Henry A. Denny, their associates and successors, are hereby made a corporation by the name of the Mechanics' Mutual Fire Insurance Company, to be established in the city of Worcester, for the term of twenty-five years, for the purpose of insuring dwelling-houses and other buildings, and also personal property, against loss or damage by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the four hundred and fifty-third chapter of the Revised Statutes, and all other laws of this Commonwealth made or to be made relating to such corporations.

Corporators.

Name.

Duration.

Powers, liabilities, &c.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 31, 1855.]

An Act to continue in force the Act to incorporate the South Hadley Falls Bridge Company. Chap. 113

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act passed on the twenty-fourth day of April, in the year one thousand eight hundred and fifty, entitled "An

Corporation extended.

Duration. Act to incorporate the South Hadley Falls Bridge Company," shall be and remain in force for the term of five years from and after the twenty-fourth day of April, in the year one thousand eight hundred and fifty-five, and said company shall continue to be a corporation through that term, under the name of the South Hadley Falls Bridge Company; with Powers, privileges, &c. all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, March 31, 1855.]

Chap. 114

An Act to incorporate the Great Pasture Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Joseph S. Cabot, Tucker Daland and Henry Wheatland, their associates and successors, are hereby Name. made a corporation by the name of the Great Pasture Company, to be established in the city of Salem, for the purpose Purpose. of improving the Great Pasture, so called, lying in said Salem; with all the powers and privileges, and subject to all Duties, liabilities, etc. the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Real and personal estate not to exceed \$50,000. SECT. 2. Said corporation may purchase, hold, and possess, in fee simple or otherwise, all or any part of said pasture, and the privileges and appurtenances thereto belonging, with such personal property as may be necessary for the proper conducting of the affairs of said corporation: *provided*, that the whole real and personal estate of said corporation shall not exceed in value the sum of fifty thousand dollars.

Corporation may sell, convey, etc., and lay out streets. And said corporation shall have power to sell and convey, lease, mortgage, or otherwise dispose of said corporate property, or any part thereof, and to manage and improve the same at its will and pleasure, with authority to lay out and construct streets and passage ways within the limits of said pasture, as it shall deem expedient.

Corporation to decide upon number of shares, form of certificate, etc. SECT. 3. Said corporation may at any legal meeting agree upon the number of shares into which the corporate estate and property shall be divided, and upon the form of certificate of shares to be issued to the proprietors, and upon the manner and condition of transferring the same, which shares shall be held as personal property. And said

Shares liable to assessment. corporation shall have power to assess upon each share such sums of money as may be necessary for constructing and maintaining streets and passage ways, and for the improve-

ment and management of the property of said corporation and for the incidental expenses thereof: *provided*, that no assessment shall be made at any meeting, unless agreed to by two-thirds at least, both in number and value, of those proprietors present and those proprietors who are represented, nor unless due notice of the purpose of such meeting shall have been given ten days at least previous thereto, in the manner prescribed by the by-laws. [*Approved by the Governor, March 31, 1855.*]

Proviso.

An Act concerning the Boston and New York Central Railroad Company. *Chap. 115*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the Boston and New York Central Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company is hereby extended one year from the time now allowed by law. [*Approved by the Governor, March 31, 1855.*]

Time for construction extended one year.

An Act further to Prevent and Punish Fraudulent Arrests.

Chap. 116

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any person who shall, wilfully or falsely, accuse any other person of any crime or offence, with the intent that the party so accused shall be held to answer any process, or be arrested on any process under the act of congress, passed September eighteenth, in the year eighteen hundred and fifty, entitled, "An Act to amend the Act respecting Fugitives from Justice, and Persons Escaping from the Service of their Masters," shall be punished by a fine not less than one thousand dollars, and not more than three thousand dollars, and by imprisonment in the county jail or house of correction not less than one year, nor more than five years. And any sheriff, constable, or other public officer, who shall make such false or wilful accusation with intent as aforesaid, shall, in addition to the above-named penalty, be forever disqualified from holding any office under the laws or constitution of this Commonwealth.

Crime.

Fine not less than \$1,000 nor more than \$3,000, and imprisonment.

Officers, in addition to fine, to be disqualified, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

Chap. 117 An Act additional to An Act to incorporate the Hampden Stock and Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The Hampden Stock and Mutual Fire Insurance Company shall hereafter be called and known by the name of the Hampden Fire Insurance Company, and is empowered to insure in other States.

Increase of guarantee capital,
\$150,000.

SECT. 2. Said company may increase its guarantee capital to an amount not exceeding one hundred and fifty thousand dollars, at any time within three years from the passage of this act.

Reserved fund to redeem guarantee capital.

SECT. 3. This company, after providing for all outstanding risks, losses, dividends on guarantee capital, incidental expenses, and other liabilities, may set aside each year any surplus or profits as a reserved fund to be applied to the redemption of the guarantee capital; and whenever, after the expiration of ten years from the commencement of business, there shall be a sufficient amount of reserved fund to redeem the whole or part of said guarantee capital, and the corporation shall vote to redeem it, the same shall be redeemed.

May abolish mutual department.

SECT. 4. The company may, at any time, abolish the mutual department by a majority vote of its members, after which all insurance made by this company shall be on the stock plan, and subject to the restrictions and laws of this Commonwealth governing stock companies. [*Approved by the Governor, March 31, 1855.*]

Chap. 118

An Act respecting Watchmen.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Clubs and badges.

SECT. 1. Officers of the watch and watchmen, when on duty, may carry a wooden club, or stick, of not more than eighteen inches in length; and they shall also carry or wear upon their persons such badge of office as the mayor of any city, or the selectmen of any town where said watchmen may be employed, may direct.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

An Act limiting the time for bringing Actions under the three hundred and twenty-second chapter of the Acts of eighteen hundred and fifty-two. Chap. 119

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All actions for damages claimed under the provisions of the three hundred and twenty-second chapter of the acts of eighteen hundred and fifty-two, entitled "An Act concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors," shall be commenced within one year next after the cause of action shall have accrued, and not afterwards. Actions to be commenced within one year. *[Approved by the Governor, March 31, 1855.]*

An Act relating to the Fees of Jurors and Witnesses.

Chap. 120

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The fees to each person attending as a grand juror or traverse juror in any court, except before a justice of the peace or police court, shall be two dollars a day for his attendance, in addition to travel. Fees of jurors.

SECT. 2. The fees of witnesses in those cases where one dollar a day is allowed shall hereafter be one dollar and twenty-five cents a day. Fees of witnesses. *[Approved by the Governor, March 31, 1855.]*

An Act to regulate the Business of Pawn Brokers.

Chap. 121

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The mayor and aldermen of any city, and the selectmen of any town, may license such persons as they deem suitable to carry on the business of pawn brokers, within their respective cities or towns. Licenses.

SECT. 2. The licenses to such persons shall designate the place where the business is to be carried on, and contain such conditions and restrictions as may be prescribed by the ordinances and by-laws of the city or town wherein the same are granted, and shall continue in force for one year unless sooner revoked. Such licenses may be revoked at any time. To continue for one year, etc.

SECT. 3. No person, unless licensed as aforesaid, shall carry on said business, or be concerned therein; nor shall Penalty in certain cases.

any person, so licensed, carry on such business, or be concerned therein in any other place or manner than as is designated in his license, or after notice to him that said license has been revoked, under the penalty of a fine not exceeding fifty dollars for every offence.

Cities may dispense with act.

Proviso.

SECT. 4. The city council of any city may suspend or dispense with the provisions of this act so far as the same apply to such city: *provided*, that no offence committed and no penalty incurred before such suspension shall take effect, shall be affected thereby; and the provisions of this act shall not extend to any town unless the inhabitants thereof shall, at a legal meeting, adopt the same. [*Approved by the Governor, March 31, 1855.*]

Chap. 122

An Act to make Pews Personal Property.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Pews personal property.

SECT. 1. Pews in all houses of public worship shall be personal property.

SECT. 2. Nothing in this act shall effect any existing right of dower in any pew.

Inconsistent acts repealed.

SECT. 3. The thirty-first section of the sixtieth chapter of the Revised Statutes, and all acts inconsistent herewith, are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

Chap. 123

An Act to incorporate the Brookline Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles Wild, William Aspinwall, George F. Homer and Nathaniel Harris, their associates and successors, are hereby made a corporation by the name of the Brookline Hotel Company, for the purpose of erecting buildings necessary and convenient for maintaining a hotel or public house in said Brookline, with a capital stock of one hundred thousand dollars, with all the privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that no part of said property shall be, at any time, leased, let or used for illegal purposes.

Name.

Capital stock, \$100,000.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

An Act to establish a Board of Insurance Commissioners.

Chap. 124

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A board of insurance commissioners is hereby established in this Commonwealth, which shall consist of three persons, who shall be appointed by the governor, with the advice of the council, on or before the first day of May next, and who shall exercise the powers, and perform the duties, hereinafter prescribed. The first person appointed on said board shall hold his office for the term of one year; the second person appointed, for the term of two years; and the third person appointed, for the term of three years. At the expiration of the term of each, and hereafter, when a term shall expire, there shall be appointed, to fill the vacancy on said board, a person who shall hold his office for the term of three years, so that one new appointment shall be made each year, each new commissioner holding his office for the term of three years. But any person going out of office, by the expiration of his term, may be reappointed, and the governor, with the advice of the council, may at any time remove from office any or all of said commissioners, and may fill all vacancies in said board which arise from removal or otherwise.

Commission established.

Terms of office.

Governor may remove, etc.

SECT. 2. Before entering upon the duties of their office, the said commissioners shall severally make oath before some justice of a court of record, or before any two justices of the peace within the Commonwealth, that they will faithfully and impartially discharge and perform all the duties incumbent upon them, in their said office, agreeably to the constitution and laws of this Commonwealth, and according to their best abilities and understanding; a certified copy of which oath shall be returned within thirty days, to the office of the secretary of the Commonwealth.

Commissioners to be sworn.

Copy of oath to be returned to secretary.

SECT. 3. The said commissioners shall keep and preserve, in a permanent form, a full record of their proceedings, including a concise statement of the condition of each company visited or examined by them, as hereinafter provided. And they shall have power to appoint a clerk of their board, prescribe his duties, and fix his compensation, whenever the public good may in their opinion require such appointment.

To keep record of proceedings, etc.

May appoint clerk.

SECT. 4. Each of said commissioners shall receive, as compensation for his services, five dollars for each and

Compensation.

every day's attendance upon the duties of his office, and at the rate of one dollar for every twenty miles travelled by him in the performance of the same. And the governor is hereby authorized to draw his warrant on the treasury therefor, and also for the compensation of any clerk appointed and employed by said commissioners.

Commissioners to visit, inspect, etc. once in two years.

SECT. 5. The said commissioners, or any two of them, at least once in every two years, and as much oftener as they may deem expedient, shall visit every insurance company, of whatever description, which has been, or may hereafter be, incorporated by authority of this Commonwealth, and shall have free access to their books and papers, and shall thoroughly inspect and examine all the affairs of the said companies, and make any and all such inquiries as may be necessary to ascertain the condition of the said corporations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions: *provided*, that said commissioners shall examine all insurance companies in this Commonwealth, as soon after this act goes into operation as may be: and *provided, also*, that they shall examine all insurance companies hereafter established in this Commonwealth, within one year after they shall go into operation.

Proviso.

Provided, also.

May examine officers, etc., under oath.

SECT. 6. The said commissioners, or any of them, may summon and examine under oath, all directors, officers or agents of said insurance companies, and such other persons as they may think proper, in relation to the affairs, transactions and condition of such corporations; and any such director, officer, agent, or other person, who shall refuse, without justifiable cause, to appear and testify, when there-to required as aforesaid, or who shall obstruct, in any way, any commissioner in the discharge of his duty, as prescribed by this act, shall, on conviction thereof, be subject to a fine not exceeding one thousand dollars for each offence, or imprisonment for a term not exceeding one year.

Penalty for refusing to testify.

Commissioners to examine on request of five persons, etc.

SECT. 7. In addition to the examination herein provided for, if any five or more persons who are officers, stockholders, members or creditors of any insurance company, shall make and sign an application to said commissioners, requesting them to examine the affairs of such company, setting forth, under oath, their interests in said company, and the reasons for making such examination, it shall be the duty of the said commissioners to proceed forthwith

and make a full investigation of the affairs of such corporation, in the manner provided by this act.

SECT. 8. If upon the examination of any insurance company, a majority of the said commissioners shall be of opinion that the same is insolvent, or that its condition is such as to render its further progress hazardous to the public, or to those holding policies against said corporation, it shall be their duty to apply to some one of the justices of the supreme judicial court, to issue an injunction to restrain such corporation, in whole or in part, from further proceeding with its business, until after a full hearing in the premises can be had before said court; and such justice shall forthwith issue such injunction, and after a full hearing of all the parties interested in the matter, may dissolve or modify the said injunction; or make the same perpetual, and may make such orders and decrees to suspend, restrain or prohibit, the further continuance of the business of such corporation, as may be needful in the premises; and said justice may, at his discretion, appoint agents or receivers to take possession of the property and effects of the corporation, subject to such rules and orders as may, from time to time, be prescribed by the supreme judicial court, or any justice thereof in vacation; the said court or justice acting in the matter according to the course of proceedings in equity.

May apply for injunction in case of insolvency.

Justice may appoint receivers, etc.

SECT. 9. The said commissioners, in the month of December, annually, shall make a report to the secretary of the Commonwealth, of the general conduct and condition of the corporations visited by them since their last annual report, making such suggestions as they shall deem expedient; and if any of said corporations shall, in the opinion of the commissioners, be found at any time to have violated any law of this Commonwealth, or if the officers of any insurance company shall be found to have violated any of the existing laws in relation to insurance companies, the said commissioners shall, forthwith, make a special report on the subject of such violation, containing such statements and remarks as they may deem expedient, to the secretary of the Commonwealth; and the secretary shall give notice of the same to the attorney-general, who, in behalf of the Commonwealth, shall at once prosecute said company or said officer, as the case may be, for such violations. The secretary of the Commonwealth shall cause the reports of the said commissioners to be printed and laid before the

Commissioners to report annually.

Special reports, etc.

Secretary to print reports.

legislature at the next session thereof, after the same are made.

Violations by
foreign agents.

SECT. 10. The said commissioners shall see that all foreign insurance companies, and their agents, doing business in this Commonwealth, duly comply with the laws of the Commonwealth in relation to foreign insurance companies; and when it shall come to their notice, that any such foreign insurance company or its agent has violated any such law, the said commissioners shall report the facts to the secretary of the Commonwealth, who shall give notice of the same to the attorney-general; and the attorney-general, in behalf of the Commonwealth, shall prosecute the guilty parties for such violation.

Attorney-general
to prosecute.

Inconsistent pro-
visions repealed.

SECT. 11. So much of the forty-second section of the four hundred and fifty-third chapter of the acts passed in the year eighteen hundred and fifty-four, as is inconsistent with the provisions of this act, is hereby repealed.

SECT. 12. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

Chap. 125 An Act to authorize Ira Wixon and Elijah Whittemore to construct a Fish Weir.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT 1. That Ira Wixon and Elijah Whittemore are hereby authorized to construct a fish weir near Hill Pond Point, so called, in the town of Dennis, in the county of Barnstable: *provided*, said weir shall cause no obstruction to navigation, or encroach on the rights of others.

Proviso.

Penalty for ob-
structing, etc.

SECT. 2. All persons unlawfully taking fish from said weir, or causing obstructions to the passage of fish to said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars, to be recovered in any court competent to try the same, for the benefit of the person who shall prosecute therefor.

How recovered.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

An Act concerning the Payment of Teachers' Wages.

Chap. 126

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The teacher of any public school shall be entitled to receive his or her wages, on demand, at the expiration of each quarter, and to receive the amount of wages due upon the close of said teacher's term of service, or upon the close of any single term, whether said term be of a longer or shorter period than one quarter, or twelve school weeks. When entitled to wages.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

An Act ceding Jurisdiction to the United States over land in Barnstable for a Custom House. Chap. 127

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jurisdiction is hereby granted and ceded to the United States, over a certain piece of land in Barnstable, containing one acre, more or less, now or to be hereafter purchased for the purpose of erecting and establishing thereon a custom house, and consent is hereby given to such purchase, the evidence thereof being duly recorded in the registry of deeds office for the county where said land is situated: *provided, always*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the lands aforesaid, so far that all civil processes and all criminal processes issuing under the authority of this Commonwealth, may be executed on said land and in any buildings thereon, or to be erected thereon, in the same manner as if this act had not been passed. Jurisdiction ceded.

SECT. 2. The property over which jurisdiction is granted as aforesaid, shall be exonerated and discharged from all taxes and assessments while remaining the property of the United States and used for the purposes herein described. Exonerated from taxation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1855.*]

Chap. 128

An Act to authorize Towns to establish Fire Departments.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Selectmen may
establish.

The selectmen of any town in this Commonwealth are hereby authorized to establish a fire department in their respective towns, in the manner and according to the provisions prescribed in an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine; and when so established, the several members, and all the officers and companies appointed by them, and the several towns in which fire departments may be established under this act, and the inhabitants thereof, shall be subject to all the duties and liabilities, and be entitled to all the privileges and exemptions, specified in said act of eighteen hundred and thirty-nine, so far as the same relates to them respectively. [Approved by the Governor, March 31, 1855.]

Subject to duties,
etc., as in act of
1839.

Chap. 129

An Act to incorporate the American Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Powers, privi-
leges, etc.

Real and personal
estate not to ex-
ceed \$10,000.

Capital stock,
\$50,000, in shares
of \$100 each.

SECT. 1. Joshua E. Bowly, Nathaniel Holmes and Nathan Freeman, their associates and successors, are hereby made a corporation by the name of the American Insurance Company, in the town of Provincetown, for the purpose of making maritime loans and insurance against maritime losses in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have since been passed relating to marine insurance companies, for the term of twenty years.

SECT. 2. The said corporation may hold any estate, real or personal, for the use of said company provided that the real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt or held as collateral security for money due to said company.

SECT. 3. The capital stock of said company shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments and under such provisions and pen-

alties as the president and directors of said company shall direct.

SECT. 4. The said company shall be restricted to an amount not exceeding ten per cent. of their capital stock on any one risk. *[Approved by the Governor, March 31, 1855.]* Limit of risks.

An Act to incorporate the American Hall Company in Chelsea.

Chap. 130

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George B. Parrot, William S. Clark and Ezra Hawkes, Jr., their associates and successors, are hereby made a corporation by the name of the American Hall Company, for the purpose of erecting, in the town of Chelsea, buildings necessary and convenient for a public hall; with all the privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that no part of said property shall be at any time leased, let or used, for illegal purposes. Corporators.

SECT. 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. Name.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, March 31, 1855.]* Powers, privileges, etc.

An Act in addition to An Act to incorporate the Boston Iron Company. *Chap. 131*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston Iron Company in addition to its present powers, is hereby authorized to roll, cut, and otherwise work, metals other than iron, and to grind grain. Real and personal property not exceeding \$50,000.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, April 6, 1855.]* Additional powers.

Chap. 132 An Act to perpetuate evidence of the appointment of Executors and Administrators.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Affidavit of appointment, etc., may be filed upon petition to judge of probate.

In any case where the affidavit of the notice of appointment of any executor or administrator shall not have been filed and recorded within the time prescribed by the second section of the sixty-sixth chapter of the Revised Statutes, the judge of probate, upon the petition of such executor or administrator, and upon satisfactory evidence being furnished to him, that the notice, as ordered, was given, may at any time permit such an affidavit to be filed and recorded, together with a copy of the notice; and when so filed, it shall have the same effect as if it had been filed within the time limited by said section. [Approved by the Governor, April 6, 1855.]

Chap. 133 An Act to increase the Capital Stock of the New England Glass Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased \$100,000.

How used.

SECT. 1. The New England Glass Company are hereby authorized and empowered to increase their capital stock one hundred thousand dollars, the same to be used for an addition to their real estate and machinery, and for the purchasing of materials used in the manufacture of glass.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 6, 1855.]

Chap. 134 An Act to incorporate the Merchants' Steam Tow Boat Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Powers.

Capital not to exceed \$100,000, in shares of \$100 each.

SECT. 1. That Francis Fisher, Joel Bowker, Jr., William Adams, Albert Betteley, and George Nash, their associates and assigns be and are hereby made a corporation, by the name of the Merchants' Steam Tow Boat Company, with power to build, purchase, hold, use, convey and employ, one or more steamboats for towing vessels in and about Boston Harbor, and between Boston and other ports, with a capital not exceeding one hundred thousand dollars, divided into shares of one hundred dollars each, such shares

not to be issued except on payment in cash of the par value thereof. Not to be issued under par.

SECT. 2. The said corporation shall have all the rights and privileges and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and to so much of the thirty-eighth chapter as may be applicable to said corporation. Duties, liabilities, etc.

SECT. 3. Any marine insurance company now incorporated, or which may hereafter be incorporated in the city of Boston, may invest so much of its capital stock, or of its surplus capital, not exceeding two per cent. of its capital, as it may deem expedient, in the capital stock of said Merchants' Steam Tow Boat Company. Marine Insurance Companies may invest in capital stock, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

An Act to Punish certain Frauds and Cheats.

Chap. 135

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any person or persons who shall, by the game of three-card monte, so called, or by any other game, device, sleight of hand, pretensions to fortune-telling, trick, or other means whatever, by the use of cards, or other implements or instruments, obtain from any other person or persons any property of any description, shall be punished as in case of larceny of property of like value. Games punishable as larceny.

SECT. 2. Justices of the peace within their respective counties, and the several police courts established by law in their respective counties, shall have jurisdiction of the offence herein created, to the same extent as they now have jurisdiction in cases of larceny, and all the proceedings before such courts and justices shall be the same as in prosecutions for larceny, so far as the same may be consistent with the provisions of this act, and nothing herein contained shall be so construed, as to restrain either the right of any person accused under the provisions of this act, to appeal from the judgment of such justice or court, or the power of said justice or court to bind any person or persons accused as aforesaid, to answer in a higher court. [*Approved by the Governor, April 6, 1855.*] Justices, &c., to have jurisdiction. Appeal, &c.

Chap. 136 An Act to extend the time for the construction of a Branch Railroad into the City of Boston by the Boston and Lowell Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for locating and building extended.

SECT. 1. The time allowed the Boston and Lowell Railroad Corporation for building and completing a branch railroad into the city of Boston, under the provisions of an act passed on the twenty-fifth day of May, in the year eighteen hundred and fifty-three, entitled "An Act to authorize the Boston and Lowell Railroad Corporation to construct a Branch Railroad into the City of Boston," is hereby extended for one year after the report of the commissioners appointed under a Resolve passed on the twenty-ninth day of April, in the year eighteen hundred and fifty-four, entitled, "Resolve for the appointment of a Commission to consider the expediency of obviating the crossings of the Boston and Lowell Railroad Corporation, the Fitchburg Railroad Corporation, the Boston and Maine Railroad Corporation, and the Eastern Railroad Company, and the repeal of so much of the charters of the same as allows them to cross Causeway Street in Boston," shall have been made to, and finally acted upon and disposed of, by the legislature of this Commonwealth.

Time for withdrawal of location extended.

SECT. 2. The time within which the location or any part thereof of the said branch railroad into the city of Boston, may be withdrawn by the Boston and Lowell Railroad Corporation where the land over which the same is located has not been entered upon, or taken possession of, under and by virtue of the provisions of an act passed on the twenty-ninth day of April, in the year eighteen hundred and fifty-four, entitled "An Act concerning the time of payment of Damages for Lands taken for Railroads," is hereby extended during the same time granted by the first section of this act for the building of said branch railroad, and the provisions of the second section of an act passed on the nineteenth day of May, in the year eighteen hundred and fifty-three, entitled "An Act in addition to the several acts relating to County Commissioners, and also in relation to Railroads," are to be in force during the time hereby given for the withdrawal of said location or any part thereof, so far as relates to said location. [*Approved by the Governor, April 6, 1855.*]

Provisions of act of 1853, ch. 351, sec. 2, extended.

An Act in relation to Libels for Divorce.

Chap. 137

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Upon every libel for divorce for adultery committed by the husband, or on account of his being sentenced to confinement to hard labor, and also upon every libel for divorce from bed and board for any cause whatever, in order to secure to the wife and to such children as may be committed to her care and custody, a suitable support and maintenance, an attachment of the husband's real and personal estate may be made by the officer serving such libel.

Husband's real and personal estate may be attached for benefit of wife and children.

SECT. 2. When the party complained of is within the State, and the libel is filed in vacation, in the office of the clerk of the court which has jurisdiction of the cause, the attachment may be made upon the summons which may be issued thereon, in the same manner as attachments are now made upon writs in actions at common law.

Attachments, how made when party is within the State.

SECT. 3. In case the libel shall, in the first instance, be presented to the court, the attachment may be made upon the order of notice issued thereon in the same manner as attachments are now made upon writs in actions at common law.

Same subject.

SECT. 4. All laws relating to attachments of real or personal estate shall be in force in respect of the attachments herein provided for, so far as the same are not inconsistent with the provisions of this act.

Laws of attachment to be in force, etc.

SECT. 5. The amount for which the attachment shall be made, shall be expressed in the summons or order of notice upon which it is made.

Amount of attachment to be expressed.

SECT. 6. In causes for divorce depending, the wife shall be entitled to alimony, *pendente lite*, and means to carry on the prosecution or defence, which may exceed the taxable costs whenever the same shall be just and equitable according to the principles of the common law, as administered in the ecclesiastical courts.

Wife entitled to alimony, etc.

SECT. 7. In all cases in which the supreme judicial court, or any justice thereof, shall be required to adjudicate relative to the custody of children pending any controversy between the parents thereof, or in regard to the final possession by the parents respectively, the happiness and welfare of such children shall determine the custody or possession into which they shall be placed, and the respective rights of the parents thereto, in the absence of misconduct,

S. J. Court to decide the custody of children.

shall be held to be equal, and the said court shall have full powers as a court of chancery to make all such orders and decrees from time to time in relation to such custody or possession, as shall be judged necessary and proper in order to carry the provisions of this act into effect.

Libels not to be defeated by certain actions.

SECT. 8. No libel for divorce brought for the cause set forth in the one hundred and twenty-sixth chapter of the statutes of the year eighteen hundred and thirty-eight, shall be defeated by any merely temporary return or other act that has been or may hereafter be made or done by the party deserting, with the intent to defeat the operations of said statutes: *provided*, that it shall also be apparent that such return or other act, was not made or done in good faith, and such shall be taken to have been the meaning of said statutes.

Provisions of act extended.

SECT. 9. The provisions of the act entitled "An Act relating to Divorce," passed on the nineteenth day of May, in the year eighteen hundred and fifty-three, are extended to all divorces that may have been, or may hereafter be, decreed, by the competent tribunals of any of the States of this Union.

SECT. 10. This act shall take effect on and after its passage. [*Approved by the Governor, April 6, 1855.*]

Chap. 138 An Act to incorporate the Fayette Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Dana Sargent, Manonnan Cram and Enoch Bartlett, of Lawrence, in the county of Essex, their associates and successors, are hereby made a corporation by the name of the Fayette Mutual Fire Insurance Company, to be established in said Lawrence, for the term of twenty-eight years, for the purpose of insuring buildings and personal property against loss or damage by fire, upon the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the general laws relating to the subject.

Name.

Duration.

Powers, privileges, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

An Act relating to the Assignment of Rooms in the State House. *Chap. 139*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The commissioners appointed under the provisions of the act relating to the enlargement of the State House, approved the twenty-seventh day of April, in the year one thousand eight hundred and fifty-three, in conjunction with the committee on public buildings of the present house of representatives, are hereby authorized to determine and adjudge to what uses the several departments in the said new structure shall be put, and are hereby required to file a certificate of their doings in the premises in the office of the secretary of State, before the said apartments shall be occupied: *provided, however*, that the doings of said commissioners and said committee, as provided in this act, shall be subject to the approval of the governor and council.

Commissioners to assign apartments.

To file certificate.

Proviso.

SECT. 2. So much of the act relating to the enlargement of the State House, approved the twenty-ninth day of April, in the year one thousand eight hundred and fifty-four, as is inconsistent with the provisions of this act, is hereby repealed.

Inconsistent act repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

An Act relating to the Organization of Corporations.

Chap. 140

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The third section of the forty-fourth chapter of the Revised Statutes is so far amended that the first meeting of all corporations shall, unless otherwise provided for in their acts of incorporation, be called by the person, or a majority of the persons, named in the act of incorporation, in the mode indicated in the said third section; and said persons so named, and their associate subscribers to stock prior to the date of their act, shall be considered the persons authorized to hold the franchise or privileges granted, until the corporation shall be organized.

Corporations, how organized, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

Chap. 141 An Act to authorize the Boston and Maine Railroad to amend and refile its location.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May amend location. SECT. 1. The Boston and Maine Railroad is hereby authorized, at any time within six months, to make and file an amended location of their road not exceeding five rods in width, on any land actually in their possession on the first day of January last.

Location not to impair rights. SECT. 2. Such amended location shall not be a waiver of or impair any rights they now have, nor shall they thereby acquire any right in land not actually in their possession on said first day of January last.

Remedy for injured parties. SECT. 3. All persons injured by such amended location shall have the remedies provided by law for persons whose land or other property is taken for the construction or maintenance of railroads.

Not to affect pending actions. SECT. 4. Nothing contained in this act shall be construed to affect any private right in any land or other property concerning which land or property any action has been commenced and is now pending against said corporation.

Route confirmed. SECT. 5. The route selected by said railroad in Law-
rence for the construction of its road, is hereby confirmed.
[Approved by the Governor, April 6, 1855.]

Chap. 142 An Act to incorporate the Plymouth Five Cents Savings Bank in Plymouth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. James L. Hunt, William R. Sever, Lemuel Bradford, Jr., Moses Bates, Jr., Frederick W. Robbins, Benjamin Hubbard, Ephraim Holmes, Roland E. Cotton, William L. Finney, William H. Spear, Daniel J. Lane, Daniel J. Robbins, their associates and successors, are hereby made

Name. a corporation by the name of the Plymouth Five Cents Savings Bank, to be established in the town of Plymouth;

Powers, privileges, etc. with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and all other laws of this Commonwealth relative to institutions for savings.

Deposits. SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of said minor or the said minor was of full age, if such deposit was made personally by said minor.

Trustees may pay to minors, etc.

Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

An Act authorizing the Greenfield Tool Company to issue Preferred Stock. *Chap. 143*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Greenfield Tool Company, a corporation organized and doing business in Greenfield, under the act relating to joint stock companies, passed May fifteenth, eighteen hundred and fifty-one, is hereby authorized to issue preferred stock not to exceed two hundred and fifty shares, the said company to give its guaranty that each share of said stock shall receive semi-annual dividends of four dollars on each share: *provided*, that no share of such preferred stock shall be issued until the said company shall receive one hundred dollars therefor.

May issue 250 shares preferred stock.

Company to guarantee semi annual dividends.

Proviso.

SECT. 2. No dividends to exceed four dollars on a share, semi-annually, shall be made on such preferred stock under any circumstances, but any holder of such preferred stock may, at any time, surrender the whole or any part of the preferred stock held by him, and receive an equal number of shares of stock not preferred in place thereof: *provided*, that no such exchange shall be made within two months next preceding the making any dividend as aforesaid.

Dividends limited

Preferred stock may be exchanged.

Proviso.

SECT. 3. Nothing contained in this act shall be construed to take away any individual liability of any officer or member of said company for the debts or any debt of said company, nor to impair any right or remedy of any present or future creditor of said company, nor to give to said company any right or privilege except that to issue preferred stock as aforesaid.

Act not to impair rights, liabilities, etc.

SECT. 4. In case of a dissolution or termination of said company, the holders of preferred stock shall be entitled

Preferred stock-holders to receive full payment, etc.

to payment of the same in full next after payment of the debts of the company, and before any payments to the holders of stock not preferred.

When and how to take effect.

SECT. 5. This act shall take effect when accepted by the stockholders of said Greenfield Tool Company, at a meeting regularly called for that purpose, by an affirmative vote of not less than seven-eighths of the stock represented at such meeting. [*Approved by the Governor, April 6, 1855.*]

Chap. 144 An Act to change the Name of the Boston Sewing Machine Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The corporate name of the Boston Sewing Machine Company, incorporated in the year eighteen hundred and fifty-four, is hereby changed, and said corporation shall hereafter be called and known by the name of the Grover and Baker Sewing Machine Company.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

Chap. 145 An Act in addition to An Act authorizing Leroy M. Yale and others to construct a Marine Railway in the Harbor of Holmes' Hole.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend marine railway 100 feet.

SECT. 1. That Thomas Bradley, T. Barrows and J. J. Barrows, R. G. Luce and Thomas Barrows, for the heirs of L. M. Yale, (deceased,) be and they are hereby authorized and allowed to extend their marine railway one hundred feet further into the channel of said harbor of Holmes' Hole, and to drive such piles and place such buoys as shall be necessary for the protection and convenience of said railway.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

Chap. 146 An Act relating to Gas-Light Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Not less than ten persons may become a body corporate for the purpose of making gas, etc.

SECT. 1. Any number of persons not less than ten, who shall, by an agreement in writing, associate themselves together for the purpose of making and selling gas for light

in any town or city within this Commonwealth, and who shall comply with the provisions of "An Act relating to Joint Stock Companies," passed May fifteenth, in the year one thousand eight hundred and fifty-one, shall, with their successors and assigns, be and remain a body politic and corporate, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in said act, and in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided*, that in such towns and cities of this Commonwealth as there may be existing gas companies in active operation, no additional similar corporation shall be organized, unless the parties therein are inhabitants of said town, nor unless the existing corporation shall have realized an annual yearly dividend on their capital stock of seven per cent. for a period of five years.

Proviso.

SECT. 2. Every corporation organized under the provisions of this act, shall have power and authority, with the consent in writing of the selectmen of any town, or the mayor and aldermen of any city, to dig up and open the ground in any part of the streets, lanes and highways of said town or city, for the purpose of sinking, renewing, or repairing such pipes and conductors as it may be necessary to sink for the purpose of carrying out the object of such corporation: *provided*, that such corporation shall be held to put every such street, lane, or highway, into as good repair as the same was in before, and at the time of such digging up and opening, under the penalty of being prosecuted as a nuisance.

Powers, etc., of corporation.

Proviso.

SECT. 3. The selectmen of any town, and the mayor and aldermen of any city, in which any pipes or conductors of any such corporation shall be sunk, shall, at all times, have the power to regulate, restrict, and control, all the acts and doings of such corporation, which may in any manner affect the health, safety, convenience, or property, of any part of the inhabitants of such town or city.

Acts and doings subject to control of selectmen, etc.

SECT. 4. Any manufacturing, machine, or other company, having its place of business in any city or town into which it is proposed to introduce the manufacture of gas for lighting purposes, may take and hold stock in such gas-light company not exceeding ten per cent. of the capital stock of said gas-light company.

Other companies may take stock, etc.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, April 6, 1855.]

Chap. 147 An Act authorizing the increase of Capital Stock of the Day Cordage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital increased
\$50,000.

SECT. 1. The Day Cordage Company, a corporation established by law passed the thirtieth day of April, one thousand eight hundred and fifty-three, are hereby authorized to increase their capital stock in the amount of fifty thousand dollars, to be used for the purpose of purchasing real or personal estate necessary and convenient for carrying on their business.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 6, 1855.]

Chap. 148 An Act to incorporate the Fairhaven Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Duration.

Purpose.

Powers, privileges, etc.

Firman R. Whitwell, Isaiah F. Terry, William L. B. Gibbs, their associates and successors, are hereby made a corporation by the name of the Fairhaven Mutual Marine Insurance Company, to be established in the town of Fairhaven, for the term of twenty-eight years, for the purpose of making insurance on the mutual principle, against losses by fire, and also against maritime losses, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have since been passed or which may hereafter be passed, relating to mutual fire and marine insurance companies. [Approved by the Governor, April 6, 1855.]

Chap. 149 An Act further to extend the time for the construction of the Eastern Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for construction extended.

SECT. 1. The time allowed to the Eastern Railroad Company for constructing an extension of their railroad, under the provision of the act of eighteen hundred and fifty-two, entitled "An Act concerning the Grand Junction Railroad and Depot Company and the Eastern Railroad

Company," chapter three hundred and six, is hereby extended to the first day of January, eighteen hundred and fifty-six.

SECT. 2. The time within which the location of the said extension of the said railroad may be withdrawn, under the provision of an act passed April twenty-ninth, eighteen hundred and fifty-four, is hereby extended to the same limit as is provided in the preceding section, and the provision of the second section of the act of May nineteenth, eighteen hundred and fifty-three, chapter three hundred and fifty-first, entitled "An Act in addition to the several acts relating to County Commissioners," and also in relation to railroads, are to be in force during such limit, so far as relates to said location.

Time of withdrawal of location extended.

Provisions of acts to be in force.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1855.*]

An Act to divide the Town of Andover, and to incorporate the Town of North Andover. Chap. 150

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that part of the town of Andover, in the county of Essex, which lies northerly and easterly of the following line, viz.: Beginning on the easterly bank of the Shawsheen River at a stake at the bend in said river, a few rods westerly of the bridge where it is crossed by the Salem Turnpike; thence southerly on the line dividing the North and South Parishes of said Andover to a stake and stones by the road and near the house of Benjamin Rogers; thence southerly on the said parish line to a stake and stones at the point where the said parish line crosses the Salem road, east of the house of Widow Betsey Jenkins; thence across said Salem road, on said parish line, to the town line of North Reading,—is hereby incorporated into a separate town by the name of North Andover. And the inhabitants of said town of North Andover are hereby invested with all the powers and privileges, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Boundaries of North Andover.

Powers, privileges, &c.

SECT. 2. The inhabitants of said town of North Andover shall be holden to pay all arrears of taxes legally assessed upon them before the passage of this act, and the said town of North Andover shall be holden to pay its

Inhabitants to pay arrear taxes, as specified.

proportion of all state and county taxes which the said town of Andover may be required to pay previous to the taking of the next State valuation, said proportion to be ascertained and determined by the valuation of the town of Andover next preceding the passage of this act. And the said town of North Andover is hereby authorized and required to assess such proportion of the state and county taxes required to be raised by the town of Andover, determined and ascertained as aforesaid, upon the polls and estates of the inhabitants of said North Andover, and pay the same on demand to the said town of Andover.

Pay proportion of debts and receive proportion of property.

SECT. 3. The said town of North Andover shall be holden to pay its proportion of the debts due, and owing by, and of all liabilities existing against the town of Andover at the time of the passage of this act, and shall be entitled to receive of the town of Andover its proportion of all the corporate property now owned by the town of Andover, such proportions to be ascertained and determined by the valuation of the town of Andover next preceding the passage of this act.

Paupers, how supported.

SECT. 4. The said towns of Andover and North Andover shall be respectively liable for the support of all persons who now are relieved or may hereafter be relieved as paupers, whose settlement was gained by, or derived from, a residence within their respective limits.

Trustees of Punchard Free School, how to be chosen, etc.

SECT. 5. The Punchard Free School in Andover shall be free for all youths resident in said town of North Andover in the same manner as if this act had not been passed, and the inhabitants of the said town of North Andover shall retain their right to unite with the inhabitants of the town of Andover in the election of trustees of said school: the meetings for this purpose to be held in Andover, and the lists of persons belonging to both of said towns qualified to vote, to be used at such elections. And any rights which the inhabitants of the said town of North Andover have at the time of the passage of this act in or to any trust funds or the income thereof now held by any person or corporation for the benefit of the inhabitants of the town of Andover, shall remain the same as if this act had not been passed.

Rights in trust funds, etc., to remain as before division.

If towns disagree C. C. Pleas may appoint three commissioners.

SECT. 6. In case the said towns shall disagree in respect to the division of paupers, town property, town debts, or state and county taxes, the court of common pleas for the county of Essex is hereby authorized to, and shall, on application of either town, appoint three disinterested persons

as commissioners to hear the parties and award thereon; and their award, or that of any two of them, when accepted by said court, shall be final.

SECT. 7. The said town of Andover, in consideration of the various disadvantages arising to North Andover from the division hereby made, shall pay to the said town of North Andover such sum as the commissioners above provided for shall determine, in case the said towns shall not be able to agree upon the sum so to be paid.

Commissioners to determine sum in case of disagreement.

And the said town of Andover shall, within two years from the passage of this act, furnish to the said town of North Andover a full and correct copy of all the records kept by the town clerk of the town of Andover, now in existence, up to the time of the passage of this act; and all other records of the town of Andover, shall be accessible to the citizens and real estate owners of North Andover.

Copy of all records to be furnished to North Andover.

SECT. 8. The said town of North Andover shall remain a part of the town of Andover, for the purpose of electing State officers, senators and representatives to the general court, and representatives to congress, until the next decennial census shall be taken, or until another apportionment of representatives to the general court shall be made. The meetings for the choice of said officers shall be called by the selectmen of Andover, who shall preside at said meetings; and the selectmen of North Andover shall make a true list of persons belonging to said town of North Andover qualified to vote at every such election; and the same shall be taken and used by the selectmen of Andover, for such election, in the same manner as if it had been prepared by themselves. Such meetings shall be held in the towns of Andover and North Andover, respectively, in alternate years, commencing with the town of North Andover.

North Andover to remain a part of Andover for the election of State officers, etc.

SECT. 9. Any justice of the peace for the county of Essex, is hereby authorized to issue his warrant to any principal inhabitant of said town of North Andover, requiring him to warn the inhabitants of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

First meeting, how called.

SECT. 10. This act shall take effect from and after its passage. [Approved by the Governor, April 7, 1855.]

Chap. 151

An Act relative to State Paupers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Expense of transporting State paupers, how paid.

SECT. 1. That each city and town shall be allowed, for the expense of transporting each and every State pauper to the State almshouses, five cents for each mile of the distance from said city or town to said institution, to be paid from the treasury of the Commonwealth, upon the certificate of the superintendent of the institution where such pauper shall be received.

Commonwealth to pay for support to towns, etc.

SECT. 2. Each city and town shall receive, for the support of such State paupers as are unable to be removed to the State almshouses, by reason of sickness or other disability, such reasonable allowance as the inspectors of the institution to which said paupers would be committed if under no disability, shall deem to be just, to be paid from the treasury of the Commonwealth, upon the certificate of the inspectors of said institution: *provided*, that no city or town shall have the benefit of this section unless such city or town shall have duly notified the superintendent of said institution of the sickness or other disability of any pauper or paupers, and that it is the intention of said city or town to claim said allowance from the date of their said notice.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1855.*]

Chap. 152

An Act concerning the Duties and Rights of Jurors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duty of jury in criminal trials.

In all trials for criminal offences it shall be the duty of the jury to try according to established forms and principles of law all causes which shall be committed to them, and after having received the instructions of the court, to decide at their discretion, by a general verdict, both the fact and the law involved in the issue, or to find a special verdict, at their election; but it shall be the duty of the court to superintend the course of the trials, to decide upon the admission and rejection of evidence, and upon all questions of law raised during the trials, and upon all collateral and incidental proceedings, and also to charge the jury and to allow bills of exception; and the court may grant a new trial in cases of conviction. [*Approved by the Governor, April 7, 1855.*]

Court to superintend trials, etc.

An Act to establish a Police Court in the City of Roxbury.

Chap. 153

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A police court is hereby established in the city of Roxbury, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice. Police court established.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors committed within said city of Roxbury whereof justices of the peace now have or may hereafter have jurisdiction; also of all suits and actions which may now or at any time hereafter be heard, tried and determined before any justice of the peace in the county of Norfolk, whenever all the parties shall reside in Roxbury, and service of the writ shall be had on the defendant in said county; but the jurisdiction of the court of common pleas shall not be affected by this act. The said court shall have original and concurrent jurisdiction, with justices of the peace, in said county of Norfolk, over all crimes, offences and misdemeanors whereof justices of the peace within said county now have or may have jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Norfolk. Jurisdiction.

SECT. 3. An appeal shall be allowed from all judgments of said police court in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be or act as counsel for any party in any cause which may be pending in said court, or which shall have been heard, tried or examined therein. Appeal allowed.

SECT. 4. The justice of said court shall receive an annual salary of not less than one thousand dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year by the concurrent vote of the city council of said city; and said salary shall be paid in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said justice. Salary of justice.

SECT. 5. A court shall be held by said justice at some suitable place in said city of Roxbury, to be provided at the expense of said city, on every day of the week, Sundays, Christmas, the Fourth of July, and public days of Thanksgiving and Fast excepted, at nine of the clock in the fore- Court, how often to be held.

noon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and on one day in each week, to be appointed and made known by said justice, for the entry and trial of civil actions. And said justice may adjourn said court as justices of the peace may now adjourn the same hearings or trials, and he shall from time to time establish all necessary rules for the orderly and uniform conducting of the business of the court.

Justice to keep
record and make
return.

SECT. 6. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of December, exhibit to the city council of said city of Roxbury a true and faithful statement of all moneys received by him as fees.

Fines, etc., how
disposed of.

SECT. 7. All fines and forfeitures and all costs in criminal prosecutions in said court shall be received by said justice, and shall be by him accounted for and paid over to the same persons in the same manner and under the same penalties as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided in case of justices of the peace.

Fees paid to city
treasurer.

SECT. 8. All fees and charges of said justice, both in civil and criminal proceedings, shall be received by him, and by him accounted for and paid to the treasurer of said city of Roxbury, quarterly.

Jurisdiction not
limited.

SECT. 9. The jurisdiction of said police court shall not be limited by reason of any interest on the part of the justices of said court in the payment of fines and costs into the treasury of said city of Roxbury or county of Norfolk.

Two special jus-
tices.

SECT. 10. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court, either of whom shall have power, in case of the absence, sickness, interest, or other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. And said special justices shall be paid for the services as performed by them, out of the salary of the standing justice, such sum as the standing justice would be entitled to for the same service.

How paid.

Pending actions,
how disposed of.

SECT. 11. All suits, actions and prosecutions which shall be pending within said city of Roxbury before any justice of

the peace when this act shall take effect, shall be heard and determined as though this act had not passed.

SECT. 12. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justices at any time after receiving notice of the acceptance of this act by the city council of Roxbury.

Justices, how appointed.

SECT. 13. The city council of Roxbury may, whenever the business of said court shall in the judgment of said council require it, elect, by concurrent vote, a suitable person to act as clerk of said court. Such clerk, when determined on, shall be chosen annually, and shall be sworn to

City council may appoint a clerk.

the faithful performance of the duties of his office, and shall give bond to the city of Roxbury in such sum as the mayor and aldermen of said city shall from time to time determine,

To be sworn and give bond.

with surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office. Said clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever before said court, nor in any which shall

Clerk not to be counsel.

have been heard and tried or examined therein. Said clerk, when chosen, shall perform all the duties required of said

Duties of clerk.

standing justice by sections six, seven and eight of this act. In case of the death or absence of said clerk after he shall have been chosen, the court shall appoint a clerk *pro tempore*, who shall act until the standing clerk shall resume the duties of his office or another shall be chosen, as herein provided; said clerk *pro tempore* shall receive the same rate of compensation for his services as the standing clerk, to be paid out of the salary of said standing clerk. Said standing clerk shall receive in full compensation for all his services as clerk, except for certificates and copies of papers and proceedings of said court, such sum, annually, as shall be annually fixed upon by concurrent vote of the city council; and said salary shall be paid quarterly from the treasury of the city of Roxbury.

Salary.

SECT. 14. This act shall be void unless the city council of Roxbury shall, by concurrent vote, accept the same within sixty days from and after its passage. [Approved by the Governor, April 9, 1855.]

Act to be accepted by city council.

Chap. 154 An Act to authorize Eleazer Rogers, Jr., and his associates, to build a Fish Weir.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fish weir in Barnstable.

SECT. 1. Eleazer Rogers, Jr., and his associates, are hereby authorized to construct a fish weir near the mouth of the Crooked Channel where it unites with the Little Bay, so called, in the south-easterly part of the town of Orleans, in the county of Barnstable, for the purpose of taking fish: *provided*, said weir shall cause no obstruction to navigation nor encroach on the rights of others.

Proviso.

Penalty for unlawful fishing, etc.

SECT. 2. All persons unlawfully taking fish from said weir, or causing obstruction to the passage of fish to said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars for each and every offence, to be recovered in any court competent to try the same, for the benefit of the person who shall prosecute therefor.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 9, 1855.*]

Chap. 155

An Act relating to the Boston Bagging Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. From and after the passage of this act the corporate name of the Boston Bagging Company, a corporation duly established, shall be changed, and the said corporation shall be known and called by the name of the Massachusetts Linen Company, and they may conduct all their manufacturing business at their factory in Malden, any thing in the charter to the contrary notwithstanding.

May manufacture in Malden.

Further authority.

SECT. 2. The said corporation are further authorized to make bags without the use of sewing machines, and to manufacture the same and other articles from hemp, flax, and other fibrous substances.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 9, 1855.*]

An Act in addition to An Act to regulate the Fisheries in the vicinity of Nantucket. *Chap. 156*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The penalty imposed in the third section of the act of February fifth, in the year eighteen hundred and fifty, to which this is in addition, shall be so amended as to make the sum not to exceed five hundred dollars, to be recovered in any court competent to try the same, for the use of the town of Nantucket. Penalty increased.

SECT. 2. The provisions of this act shall take effect from and after its passage. [*Approved by the Governor, April 9, 1855.*]

An Act relating to the Limitation of Actions.

Chap. 157

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If any action against an executor or administrator duly commenced before the expiration of the two years as the same is now limited by the two hundred and ninety-fourth chapter of the acts passed in the year one thousand eight hundred and fifty-two, the writ shall fail of a sufficient service or return by any unavoidable accident, or if the writ shall be or has been abated or the action otherwise avoided or defeated in consequence of a defect in the form of the writ or of a mistake in the form of the proceeding, or if after a verdict for the plaintiff the judgment shall be arrested, or if a judgment for the plaintiff shall be reversed on a writ of error, the plaintiff may commence a new action for the same cause at any time within one year after the abatement or other determination of the original suit, or after the reversal of the judgment therein. Actions against executors, etc., may be renewed in certain cases.

SECT. 2. So much of the eleventh section of the one hundred and twentieth chapter and the third section of the sixty-sixth chapter of the Revised Statutes, and the two hundred and ninety-fourth chapter of the acts passed in the year one thousand eight hundred and fifty-four as is inconsistent with the provisions of this act is hereby repealed. Former acts repealed.
[*Approved by the Governor, April 9, 1855.*]

Chap. 158

An Act to amend the City Charter of Lawrence.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter amended

SECT. 1. The charter of the city of Lawrence is so far amended, that the treasurer and collector thereof may enter upon the duties of their offices on the first day of March in each year.

Part of act repealed.

SECT. 2. All that part of the fifteenth section of the charter of said city, which is in the following words: "and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer," is hereby repealed; but all assessments heretofore made, or now in process of making, are hereby ratified and confirmed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 10, 1855.]

Chap. 159 An Act to incorporate the English and Classical School in West Newton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Nathaniel T. Allen, George E. Allen and James T. Allen, their associates and successors, are hereby made a corporation, by the name of the West Newton English and Classical School, to be established in that part of Newton called West Newton, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and all other acts in addition thereto.

Name.

Powers, privileges, etc.

Real and personal estate, \$25,000.

SECT. 2. Said corporation may hold real and personal estate to the value of twenty-five thousand dollars, to be devoted exclusively to the purposes of education. [Approved by the Governor, April 10, 1855.]

Chap. 160

An Act to authorize Isaiah Turner to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Provincetown.

Isaiah Turner is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend the same into six feet of water at low tide, and he shall have the right to lay vessels at the end

Rights, etc.

and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this act shall in no wise affect the legal rights of any person or persons whatever. Proviso.
[Approved by the Governor, April 10, 1855.]

An Act relating to Volunteer Fire Engine Companies.

Chap. 161

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No association, society or club, organized as firemen, shall be allowed in any town in this Commonwealth, except by the written permission of the selectmen of such towns. Fire clubs not to be established, unless, etc.

SECT. 2. Any person joining, belonging to, or assembling with any such association, society or club, existing without such permission, shall be deemed guilty of a misdemeanor, and shall be punished by fine not less than five dollars, nor more than one hundred dollars, or by imprisonment in the house of correction for a term not exceeding three months. Penalty for joining without permission.

SECT. 3. This act shall not be in force in any town until twenty days after the inhabitants thereof, at a legal meeting, shall have adopted the same by vote. When to take effect.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, April 10, 1855.]*

An Act to authorize Jesse Tuttle and his associates to construct a Fish Weir in the Town of Harwich. *Chap. 162*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jesse Tuttle and his associates are hereby authorized to construct a fish weir on the flats east of Andrews' River, so called, in that part of Harwich called South Harwich, in the county of Barnstable, for the purpose of taking fish: *provided, however*, said weir shall cause no obstruction to navigation or encroach on the rights of others. Fish weir in Harwich.

SECT. 2. All persons unlawfully taking fish from said weir, or causing obstructions to the passage of fish to said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars for each and every offence, to be recovered in any court competent to try the same, for the benefit of the person who shall prosecute therefor. Proviso.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 10, 1855.]* Penalty for unlawful fishing, etc.

Chap. 163

An Act in furtherance of the Discipline of Academies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Credit to students prohibited.

SECT. 1. No innholder, tavern-keeper, retailer, confectioner, or keeper of any shop or house, for the sale of drink or food, or any livery stable keeper for horse or carriage hire, shall give credit to any student in any incorporated academy, or other educational institution within this State.

Qualify persons not to be licensed.

SECT. 2. No person shall be approved or licensed for either of the employments aforementioned, if it shall appear that he has given credit as aforesaid contrary to the provisions of this act.

Forfeit.

SECT. 3. If any person shall give credit contrary to the provisions of this act he shall forfeit a sum equal to twice the amount so unlawfully trusted or credited, whether the same shall have been paid or not.

How recovered.

SECT. 4. Such forfeiture may be prosecuted for, and recovered in any court competent to try the same, and the forfeiture shall be disposed of as in other cases of similar forfeitures. [Approved by the Governor, April 10, 1855.]

Chap. 164

An Act amending An Act to establish the City of Newburyport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1851 amended.

SECT. 1. The act approved May twenty-fourth, eighteen hundred and fifty-one, entitled "An Act to establish the City of Newburyport," is hereby amended and altered so that the two members of the school committee,—to be elected by the voters of each ward of said city, at the next municipal election after the acceptance of this act, as hereinafter provided,—shall, at the meeting for the organization of said school committee, be divided by lot into two classes; those of the first class to serve for one year, and those of the second class to serve for two years; and thereafter, at the municipal elections of said city, there shall be elected, in each ward, one resident of said ward, who shall be a member of the school committee of said city for the term of two years.

Service of school committees, etc.

When and how to take effect.

SECT. 2. This act shall be submitted to the inhabitants of Newburyport, for their acceptance or rejection, at legal meetings to be called in the several wards of said city within sixty days from the passage of this act, and shall take

effect from and after its acceptance by a majority of the votes cast at such election. [*Approved by the Governor, April 10, 1855.*]

An Act to establish the Fall River Five Cents Savings Bank.

Chap. 165

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. S. Angier Chace, Hale Remington, Walter C. Durfee, James Buffington, E. P. Buffington, B. H. Davis, Asa P. French and Alvan S. Ballard, their associates and successors, are hereby made a corporation by the name of the Fall River Five Cents Savings Bank, to be established in the city of Fall River; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Corporators.

Duties, liabilities, etc.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents.

Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor.

Trustees may pay to minors.

Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

An Act to change the name of the East Bridgewater Iron Company to that of Mount Hope Iron Company, and for other purposes.

Chap. 166

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The East Bridgewater Iron Company, a corporation, is hereby authorized to take the name of the Mount Hope Iron Company.

Name changed.

SECT. 2. Said company are hereby authorized to increase their capital stock to an amount, in the whole, not exceeding one hundred thousand dollars.

Capital stock increased to \$100,000.

SECT. 3. Said company are hereby authorized to manufacture iron in all its branches, in East Bridgewater, in the

Manufacture in East Bridgewater and Somerset.

county of Plymouth, and in Somerset, in the county of Bristol.

May invest in necessary real estate.

SECT. 4. Said company are hereby authorized to invest a part of said capital stock in real estate in said Somerset, as may be necessary and convenient for the purpose of manufacturing as aforesaid.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

Chap. 167

An Act relating to lists of Jurors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Revision and posting of jury lists.

SECT. 1. The lists of jurors required by law, shall be carefully prepared and revised once in each year, and posted up in public places in the town or city, by the selectmen or mayor and aldermen of the towns or cities for which they are prepared, ten days at least before they are to be submitted to them for revision and acceptance.

Same subject.

SECT. 2. The lists of jurors now required to be prepared by the mayor and aldermen of cities, shall be submitted to the respective city councils, and they shall have the same power to revise and accept them that belongs to towns. [*Approved by the Governor, April 10, 1855.*]

Chap. 168

An Act for the Prevention of Counterfeiting.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Officers of justice to seize counterfeiting implements, etc., and deliver to courts of record.

SECT. 1. Whenever any false, forged or counterfeit bank bills, or notes, or any plates, dies, or other tools, instruments or implements, used by counterfeiters, or designed for the forging or making of any false or counterfeit notes, coin or bills, shall come to the knowledge of any sheriff, constable, police officer, or other officer of justice in this Commonwealth, such officer shall immediately seize and take possession of the same, and deliver the same into the custody of the court of record, having jurisdiction of the offence of counterfeiting in the county in which the same shall be, and the said court shall, as soon as the ends of justice will permit, cause the same to be destroyed by an officer of the court, which officer shall make a return to the court of his doings in the premises.

SECT. 2. Whenever the charter of any bank in this Commonwealth shall expire, or become forfeited, or whenever any such bank shall close its business for any cause whatever, the members of the board of directors of such bank, which shall have last been in office, shall forthwith deliver up all their plates and dies to the court of record in the county in which such banks shall have been established, having jurisdiction of the offence of counterfeiting, and such court shall cause the said plates and dies to be disposed of in such manner as the court shall deem expedient, in order to prevent their being afterwards used for any unlawful purpose.

Bank directors to deliver up dies, etc., when charter expires.

SECT. 3. Any member of such board of directors who shall wilfully neglect or refuse to comply with the requirements of the preceding section, shall be punished by a fine not exceeding five hundred dollars.

Penalty for refusing to comply.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

An Act in addition to an Act to incorporate the Westford Mutual Fire Insurance Company.

Chap. 169

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Westford Mutual Fire Insurance Company is hereby authorized and empowered to insure all kinds of personal property under the general laws of this Commonwealth as they have and now do insure household furniture; and all policies heretofore issued by said company are hereby confirmed and made valid against any objection of want of authority in said company to insure such kind of property.

May insure all kinds of personal property.

Former policies valid.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

An Act to incorporate the Boston and Worcester Railroad Mutual Benefit Association.

Chap. 170

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A. S. Adams, Reuel Dean, N. B. Colby, their associates and successors, are hereby made a corporation by the name of the Boston and Worcester Railroad Mutual Benefit Association, to be located in the city of Boston, for the purpose of establishing a fund to be used for the assistance or support of the families or proper representatives of

Corporators.

Name.

Purpose.

Duties, liabilities,
etc.

such of their number as from time to time may be removed by death; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Real and personal
estate not to ex-
ceed \$20,000.

SECT. 2. For the purposes named in the first section of this act the said corporation may hold either real or personal estate, or both, to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, April 10, 1855.*]

Chap. 171

An Act to protect the Fisheries in Ipswich River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Inhabitants may
fish with nets, etc

SECT. 1. The inhabitants of the town of Ipswich and vicinity, in the county of Essex, may at all times take fish from Ipswich River in said town, with dip nets, Sundays excepted.

Penalty for sein-
ing, etc.

SECT. 2. No person shall set, draw or stretch any seine or drag net in any of the waters in Ipswich River, within the limits of said town, under a penalty not exceeding fifty dollars, to be recovered in any court competent to try the same, for the use of said town.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

Chap. 172

An Act in addition to the Acts relating to State Almshouses and the Support of Paupers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain paupers
committed to
town almshouses
at State expense.

SECT. 1. Whenever the operation of the existing provisions of law in relation to poor and indigent persons may cause a separation of husband and wife by reason of one of the parties having a legal settlement in some town in the Commonwealth, the other not having a settlement in the Commonwealth, both parties may be supported at the town almshouse where such pauper has a legal settlement, and the expense of the person chargeable to the State shall be paid by the State.

Accounts, how
audited.

SECT. 2. The account for such expenses shall be audited by the inspectors of the State almshouse to which such pauper would otherwise belong, and shall be allowed by them,

reference being had to the expense of supporting such person at the State almshouse, if there committed. [*Approved by the Governor, April 10, 1855.*]

An Act to authorize William W. Eldridge, Jonathan Eldridge, and Warren N. Rogers to construct a Fish Weir. *Chap. 173*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William W. Eldridge, Jonathan Eldridge and Warren N. Rogers, are hereby authorized to construct a fish weir in the tide waters near Clam Point, so called, in the easterly part of the town of Harwich, in the county of Barnstable, for the purpose of taking fish: *provided*, said weir shall cause no obstruction to navigation or encroach on the rights of others. Fish weir in Harwich. Proviso.

SECT. 2. All persons unlawfully taking fish from said weir, or causing obstructions to the passage of fish to said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars, to be recovered in any court competent to try the same, for the use of the person who shall prosecute therefor. Penalty for unlawful fishing, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1855.*]

An Act in addition to "An Act to incorporate the Ladies' Collegiate Institute." *Chap. 174*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The first section of chapter three hundred and forty-two of the acts of eighteen hundred and fifty-four, is so amended that the said Ladies' Collegiate Institute may be located "in the town of Amherst in the county of Hampshire," or in such other town or city in this Commonwealth as may be selected by said corporation. Location changed

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

An Act to prohibit Seining in Apponigansett River and Creeks. *Chap. 175*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall set, draw, or use any seine for taking fish in Apponigansett River, in the town of Dart- Seining, etc., prohibited.

mouth in the county of Bristol, or its tributaries, north of a line running south-west from Ricketson's Point across said river.

Penalty for violation.

SECT. 2. Any person violating this act, shall, on conviction, pay a fine of not less than fifteen, nor more than fifty, dollars, to be recovered by any court competent to try the same, for the use of said town.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, April 14, 1855.*]

Chap. 176

An Act to confirm titles to Lands in Forest Hills Cemetery.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain acts legalized.

SECT. 1. All conveyances of lands in Forest Hills Cemetery heretofore made by the city of Roxbury, in which an impression of the established seal of said city has been made upon the paper on which such conveyances were written, shall be taken and held to be valid in law, to pass the title to the lands described in the same, and to bind said city by the covenants therein contained to the same extent it would have been bound had said seal been impressed on wax or wafer attached to such conveyances.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

Chap. 177

An Act concerning sales of Real Estate incumbered by Mortgage or otherwise.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Grantors of real estate to make known all incumbrances, etc.

SECT. 1. In all conveyances of real estate by deed or mortgage, upon which any incumbrance exists, the grantor or grantors conveying such estate, whether in his or their own right, or as executor, administrator, assignee, trustee, or otherwise, by order of law, shall, before the consideration is paid, make known to the grantee or grantees the existence and nature of such prior incumbrance, so far as they have knowledge of the same, by exception in the deed or otherwise.

Penalty for withholding information, etc.

SECT. 2. If any person shall be guilty of conveying any real estate knowing that any incumbrance exists thereon without informing the grantee or grantees, as provided in the preceding section of this act, he shall be punished by imprisonment in the county jail or house of correction for a

term not exceeding one year, or by fine not exceeding one thousand dollars.

SECT. 3. Whenever any real estate shall be conveyed by deed or mortgage containing a covenant that the premises are free from all incumbrances, when by the records incumbrances appear to exist thereon, whether known or unknown to the grantor, whatever damages the grantee or grantees, their heirs, executors, administrators, successors or assigns, may sustain in removing any such apparent incumbrance, shall be chargeable to the grantor or grantors, and may be recovered in an action at law. *[Approved by the Governor, April 14, 1855.]*

Grantors, etc., to pay expense of removing incumbrances.

An Act to authorize George H. Weatherbee and others to cut a Channel through Scituate Beach. *Chap. 178*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George H. Weatherbee, Edward Ames, Biram Simmons, and their associates, are hereby authorized and empowered, within four years from the passage of this act, to open a channel through Scituate Beach, as a new outlet for North River, at any place on said beach within two miles from the present mouth of said river.

May open channel through Scituate Beach.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, April 14, 1855.]*

An Act concerning the Rockport Railroad Company.

Chap. 179

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time within which the Rockport Railroad Company may locate and construct their railroad is hereby extended to the first day of June, in the year eighteen hundred and fifty-six.

Extension of time for locating and constructing.

SECT. 2. The Rockport Railroad Company is hereby authorized to issue bonds to an amount not exceeding fifty thousand dollars, for the purposes and in the manner prescribed by the act of the legislature, passed in the year eighteen hundred and fifty-four, entitled "An Act to authorize Railroad Companies to issue Bonds," with authority to mortgage its railroad to secure the payment of the same; and said company is hereby authorized to sell such bonds,

May issue bonds to amount of \$50,000.

May sell the same

or any portion of the same, to any corporation, person or persons.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

Chap. 180

An Act to prevent Delays and Expense in Criminal Proceedings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

District attorney may refuse to allow fees, etc., in certain cases.

SECT. 1. Whenever the administration of justice or the progress of business in criminal proceedings, shall be delayed, obstructed or prevented by the negligence of any magistrate in certifying and returning recognizances, records or other official papers which it is his duty to transmit to a higher court, or in omitting the formalities required by law, the district-attorney, with the approbation of the court, may, either in whole or in part, refuse to allow the fees to which such magistrate would otherwise be entitled.

Witnesses' fees in certain cases to be adjusted by clerk, etc.

SECT. 2. Whenever witnesses in criminal trials may be in attendance in two or more cases pending at the same time before the same tribunal, they shall not be allowed full travel and attendance in each case, but the clerk of the court, under the direction of the district-attorney, may reduce and apportion the same as may be just and equitable, allowing at least one travel and attendance.

Officers not to purchase orders, etc.

SECT. 3. No sheriff, deputy sheriff or other officer taking the certificates of witnesses in criminal cases, shall purchase or discount, or have any interest in orders drawn or demands upon the treasury by such witnesses. [*Approved by the Governor, April 14, 1855.*]

Chap. 181

An Act to authorize Edwin Rice to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in East Boston.

Edwin Rice, owning flats situated on Condor Street in that part of Boston known as East Boston, and lying between and adjoining land and flats now or lately belonging to John P. Ober, on the westerly side, and the East Boston Company on the easterly side of said land and flats, is hereby authorized to build and maintain a wharf on said flats, and to extend it into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed the second day of May, in the year one

thousand eight hundred and forty-nine, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: and *provided, also,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 14, 1855.]

An Act to authorize John Clifton to extend his Wharf.

Chap. 182

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

John Clifton, proprietor of a wharf and flats situated on Border Street, in that part of Boston called East Boston, is hereby authorized to extend and maintain his wharf into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: and *provided, further,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 14, 1855.]

Chap. 183 An Act concerning the Tide-Gates on Herring River in Harwich.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Sluiceways to be maintained in tide-gates.

SECT. 1. The proprietors of the dam and tide-gates across Herring River in Harwich, constructed under the provisions of the one hundred and eighty-second chapter of the statutes of eighteen hundred and fifty-three, shall make and maintain in each of the said gates a sluiceway two feet square, so constructed as to open on the flood of the tide and admit the water to pass above said dam at all times when said gates are closed.

Tide-gates, when to be closed.

SECT. 2. The time in each year during which said tide-gates may be closed for the purpose of stopping out the tide, shall be from the fifteenth day of June to the last day of September, including both of said days, and no longer. [Approved by the Governor, April 14, 1855.]

Chap. 184 An Act to incorporate the Jubilee Hill Female Seminary.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James Francis, Duty S. Tyler, John V. Ambler and Jones Rudd, their associates and successors, are hereby made a corporation by the name of the "Jubilee Hill Female Seminary," for the education of youth, to be established in the town of Pittsfield and county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Powers, liabilities, &c.

Real and personal estate not to exceed \$50,000.

How applied.

SECT. 2. The said corporation may hold real and personal estate to an amount not exceeding in value fifty thousand dollars, to be devoted exclusively to purposes of education. [Approved by the Governor, April 14, 1855.]

Chap. 185 An Act relative to New Trials in the Supreme Judicial Court.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Single judge S. J. Court may set aside verdict, etc.

SECT. 1. A single judge of the supreme judicial court may in his discretion at any time before judgment in any civil action, set aside the verdict and order a new trial for any cause for which, by law, a new trial may and ought to be granted, or he may, if he see fit, report the case to the

full court for its determination there according to existing laws.

SECT. 2. All laws inconsistent herewith are hereby repealed. *[Approved by the Governor, April 14, 1855.]* Inconsistent acts repealed.

An Act to incorporate the Home Fire and Marine Insurance Company. *Chap. 186*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Earl W. Johnson, Martin L. Hall, and M. D. Phillips, their associates and successors, are hereby made a corporation for the term of twenty years from the passage of this act, by the name of the Home Fire and Marine Insurance Company, to be established in the city of Boston for the purpose of making insurance against losses by fire and against maritime losses, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and all other general laws which are now or may hereafter be in force relating to insurance companies.

SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty, at any time, to increase the same to any amount not exceeding five hundred thousand dollars, and may hold real estate for its use not exceeding fifty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 14, 1855.]*

An Act to continue in force "An Act to incorporate the Groveland Mutual Fire Insurance Company." *Chap. 187*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act to incorporate the Groveland Mutual Fire Insurance Company, passed on the eighth day of March, in the year one thousand eight hundred and twenty-eight, shall be and remain in force for the term of twenty-eight years from the eighth day of March, in the year one thousand eight hundred and fifty-six, and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have

been or may hereafter be passed relating to mutual insurance companies. [*Approved by the Governor, April 14, 1855.*]

Chap. 188 An Act regulating the sale of Anthracite, Bituminous or Mineral Coal.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain coals to be sold by weight, when, etc.

SECT. 1. All anthracite, bituminous or mineral coal, when sold in quantities of five hundred pounds or more, except by the cargo, shall be sold by weight, and two thousand pounds avoirdupois shall be the standard for the ton by which the same shall be weighed and sold.

Certificate of sworn weigher required.

SECT. 2. On or before the delivery of such coal so sold, it shall be the duty of the seller thereof to cause the same to be weighed by a sworn weigher of the town or city in which the same shall be sold or delivered, and a certificate of the weight thereof, signed by the weigher, shall be delivered to the buyer or his agent, at the time of the delivery of such coal.

Sellers not to act as weighers.

SECT. 3. No person engaged in the business of selling coal, shall act as a weigher under the preceding section.

Forfeit, etc.

SECT. 4. Any person who shall offend against the provision of either of the foregoing sections of this act, shall, for each and every offence, forfeit the sum of thirty dollars, one-half thereof to the use of the complainant, and the other half to the use of the town or city where the offence shall be committed.

Weighers to be appointed and sworn.

SECT. 5. The board of aldermen of the city of Boston, and the mayor and aldermen of any other city, and the selectmen of any town in this Commonwealth, are hereby authorized and required to appoint one or more persons to be weighers of such coal, who shall be sworn to the faithful discharge of their duties, and shall be removable at the pleasure of the said board of aldermen, mayor and aldermen, or selectmen, and shall be entitled to such fees for their services under this act as may be ordered by the board of aldermen, mayor and aldermen, or selectmen, appointing said weighers, which fees shall be paid by the seller.

Fees.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

An Act to incorporate the New Bedford Five Cents Savings Bank. *Chap. 189*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas B. White, William H. Taylor, L. Rol- Corporators.
lork, J. H. Bartlett, A. M. Seabury, Charles Alnay, Henry
H. Crapo, George Howland, Jr., Asa R. Nye, their asso-
ciates and successors, are hereby made a corporation by the
name of the New Bedford Five Cents Savings Bank, to be
established in the city of New Bedford ; with all the powers Duties, liabili-
ties, etc.
and privileges, and subject to all the duties, liabilities and
restrictions, set forth in the thirty-sixth chapter of the Re-
vised Statutes, and in all other laws of this Commonwealth
relating to institutions for savings.

SECT. 2. Said corporation shall receive on deposit sums Deposits.
as small as five cents.

SECT. 3. Whenever any deposit shall be made by any Trustees may pay
to minors.
minor, the trustees of said corporation may, at their discre-
tion, pay to such depositor such sums as may be due to him
or her, although no guardian shall have been appointed for
such minor, or the guardian of such minor shall not have
authorized the drawing of the same ; and the check, receipt Minor's receipt
valid.
or acquittance of such minor shall be as valid as if the same
was executed by a guardian of such minor, or the said minor
was of full age, if such deposit was made personally by said
minor.

SECT. 4. This act shall take effect from and after its
passage. [*Approved by the Governor, April 14, 1855.*]

An Act concerning the Ware River Railroad.

Chap. 190

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

The time for locating and constructing the Ware River Time for con-
struction ex-
tended two years
Railroad is hereby extended two years from the period fixed
by an act passed March twenty-fourth, eighteen hundred and
fifty-three, chapter seventy-five. [*Approved by the Gov-
ernor, April 14, 1855.*]

Chap. 191 An Act to incorporate the Proprietors of the Milford Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Aaron Claffin, Aaron C. Mayhew, William A. Hayward, John P. Daniels, and Charles F. Chapin, their associates and successors, are hereby made a corporation by the name of the Milford Hotel Company, for the purpose of erecting a hotel in the town of Milford, and maintaining such public house and the buildings or improvements connected therewith; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and limitations, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided*, that said corporation shall not carry on the business of hotel keeping, or be in any way interested in such business.

Name.

Purpose.

Duties, liabilities, etc.

Proviso.

Capital stock,
\$40,000.

SECT. 2. The whole amount of real and personal estate or capital stock which said corporation may hold for the purposes aforesaid shall not exceed forty thousand dollars in value. [*Approved by the Governor; April 14, 1855.*]

Chap. 192 An Act relating to the Court of Common Pleas when held in and for the County of Bristol.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1854
repealed.

SECT. 1. The act entitled "An Act to establish additional terms of the Court of Common Pleas for the County of Bristol," approved April fifteenth, eighteen hundred and fifty-four, is hereby repealed.

Court may make
rules necessary,
etc.

SECT. 2. The court of common pleas or the judge holding any term of said court in said county, may make such order or rules for conducting the civil and criminal business of said court in said county, as may seem necessary for the dispatch of business and for the convenience of parties.

Appeals, etc.,
when returnable.

SECT. 3. All appeals, recognizances, continuances and processes, and every other matter or thing of a criminal nature which would be returnable to or have day in the court of common pleas to be holden in said county on the second Monday of July next, by virtue of the act hereby repealed, shall be returnable to and have day in the next June term thereof in said county.

Grand jury, when
to assemble.

SECT. 4. It shall be the duty of the grand jury for said county to assemble at the next June term and subsequent

terms of said court, at the usual time and place, as before the passage of the act which is hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

An Act concerning the Metropolitan Railroad Company.

Chap. 193

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which ten per cent. of the capital stock of the Metropolitan Railroad Company is required to be paid in, by chapter three hundred fifty-three of the acts of eighteen hundred and fifty-three, is hereby extended for a year from and after the passage of this act, and this act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

Time extended for paying capital stock.

An Act relating to Jurisdiction and Proceedings in Equity.

Chap. 194

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The supreme judicial court shall have jurisdiction in equity in all cases of fraud and of conveyances or transfers of real estate in the nature of mortgages when the party asking relief has not a plain, adequate and complete remedy at common law, with the powers belonging to said court in suits in equity.

S. J. Court,—jurisdiction in equity in certain cases.

SECT. 2. When relief is sought in equity the material facts and circumstances relied on shall be stated with brevity, omitting all immaterial and irrelevant matter, either in the form of a bill or petition to the court or in a declaration in an action of contract or tort.

Facts of case, how to be stated.

SECT. 3. If a discovery is sought, it may be by such bill or petition, or by being made part of such declaration, or by interrogatories as prescribed in the three hundred and twelfth chapter of the acts of eighteen hundred and fifty-two, and all answers shall be made without unnecessary delay, and questions arising thereon, shall be decided by the rules of law applicable to bills of discovery.

Proceedings when discovery is sought.

SECT. 4. Any defence shall be made either by demurrer or answer, and the demurrer shall be accompanied with a certificate that it is not intended for delay, and the answer shall be supported by oath unless waived by the adverse party.

Defence, how made.

Provisions of act,
etc., to remain in
force.

SECT. 5. The provisions of law and the rules of proceeding in equity heretofore established by the supreme judicial court, except so far as changed by the provisions of this act, or by rules of court hereafter to be made under the powers conferred on the court, shall remain in force. [Approved by the Governor, April 14, 1855.]

Chap. 195 An Act to incorporate the Sun Mutual Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William H. Foster, William C. Codman, and Frederic T. Bush, their associates and successors, are hereby made a corporation, for the term of twenty-eight years, by the name of the Sun Mutual Fire and Marine Insurance Company, in the city of Boston, for the purpose of making insurance against maritime losses and losses by fire on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws now or hereafter to be passed relating to mutual insurance companies, so far as applicable to the corporation hereby created.

Duration.

Name.

Powers, privileges,
etc.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 14, 1855.]

Chap. 196 An Act to incorporate the Great Pond Canal Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Purpose.

Powers, privileges,
etc.

SECT. 1. Reuben Nickerson, Jr., Joshua Cole, Myrick Clark, Abijah Mayo, their associates and successors, are hereby made a corporation by the name of the Great Pond Canal Company, for the purpose of improving and locating anew a stream of water, that it may be suitable for boat navigation, and also cutting ice for the purpose of shipment, in the town of Eastham; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Real and personal
estate not to ex-
ceed \$10,000.

SECT. 2. Said corporation may hold real and personal estate, as may be necessary and convenient for the purposes aforesaid, not exceeding in value ten thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 18, 1855.]

An Act for the better preservation of Useful Birds.

Chap. 197

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If any person shall, between the first day of March and the first day of September, take, kill or destroy any of the birds called partridges or quails; or shall, between the first day of March and the fourth day of July, take, kill or destroy any of the birds called woodcock; or shall at any season of the year, take, kill or destroy any of the birds called robins, thrushes, linnets, sparrows, blue-birds, bobolinks, yellow-birds, woodpeckers, or warblers; or shall within the respective times aforesaid, sell, buy, or have in his possession any of said birds, taken or killed, whether in this Commonwealth or elsewhere, he shall forfeit for every such partridge, quail or woodcock, the sum of five dollars, and for every such robin, thrush, linnet, sparrow, bluebird, bobolink, yellow-bird, woodpecker, or warbler, the sum of two dollars, to be recovered by complaint before any justice of the peace.

Penalties for taking, killing, destroying or selling certain birds.

SECT. 2. If any person shall, at any season of the year, take, kill, or destroy, by means of traps or snares, any of the birds mentioned in the preceding section—except partridges, which may be so taken or destroyed between the first day of September and the first day of March—he shall forfeit for every such bird so taken, killed or destroyed, the sum of five dollars, to be recovered by complaint before any justice of the peace.

Penalty for same, if taken in traps or snares, except, etc.

SECT. 3. It shall be the duty of the selectmen of towns and the mayor and aldermen of cities throughout the Commonwealth to cause the provisions of this act to be enforced within their respective limits.

By whom to be enforced.

SECT. 4. All forfeitures or penalties recovered for a violation of any of the provisions of this act shall enure to the use of the complainant.

Of penalties.

SECT. 5. The first section of the fifty-third chapter of the Revised Statutes, and the first, second and fifth sections of the one hundred and fifty-eighth chapter of the acts of the legislature passed in the year eighteen hundred and forty-nine, and the two hundred and ninety-sixth chapter of said acts passed in the year eighteen hundred and fifty, are hereby repealed.

Former acts repealed.

SECT. 6. The provisions of the preceding sections shall not extend to any town in which the inhabitants shall, at

Act may be suspended, if, etc.

their annual meeting in any year, vote to suspend the operation thereof in whole or in part, and for such term of time, not exceeding one year, as they shall think expedient.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

Chap. 198

An Act to alter the name of the Riverside Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The Riverside Academy hereafter shall be called and known by the name of the Riverside Institute. [*Approved by the Governor, April 18, 1855.*]

Chap. 199

An Act to incorporate the Quincy Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Gideon F. Thayer, Albert Thompson, F. M. Johnson, their associates and successors, are hereby made a corporation for the term of twenty years from the passage of this act by the name of the Quincy Fire and Marine Insurance Company, to be established in the town of Quincy, in the county of Norfolk, for the purpose of making insurance against losses by fire and maritime losses, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now or may hereafter be in force relative to insurance companies.

Duration.

Powers, duties, etc.

Capital stock,
\$50,000.
In shares of \$100
each.

May increase to
\$100,000.
Real estate,
\$10,000.

SECT. 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred thousand dollars, and may hold real estate for its use not exceeding ten thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act to incorporate the Foxborough Savings Bank.

Chap. 200

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. E. P. Carpenter, Otis Cary, T. H. Wood, Virgil S. Pond, Carmi Richmond, their associates and successors, are hereby made a corporation by the name of the Foxborough Savings Bank, to be established in the town of Foxborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Corporators.
Powers, privileges, etc.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees to pay to minors.
Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act in addition to an Act to incorporate the Dorchester Avenue Railroad Company.

Chap. 201

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Dorchester Avenue Railroad Company shall not be required to keep in repair any part of the bed of any road within the limits of the town of Dorchester which shall not be actually occupied by the tracks of their railroad, any thing in the third section of their act of incorporation, passed April twenty-nine, eighteen hundred and fifty-four, to the contrary notwithstanding. Not required to repair road bed not occupied, etc.

SECT. 2. Said corporation shall continue to be liable, as provided in said act, for any defect or want of repair in such parts only of the roads in the town of Dorchester as shall be occupied by their tracks; but nothing contained in this Liable, etc., for roads occupied by tracks.

act shall release the said corporation from any obligation now existing to repair or make good any damage to the whole bed of said road which shall be occasioned during the construction of their railroad: *provided*, that the occupancy of said track shall be taken to be the space between the rails and so much on each side thereof as shall be within the perpendicular let-fall from the extreme width of any car or carriage used thereon, being the space from which the public travel is excluded during the passing of said car or carriage; and the structure and repairs of said portion of the road shall be such as not to interrupt the diagonal or parallel lines of travel of the public over said avenue. [*Approved by the Governor, April 18, 1855.*]

Proviso.

Chap. 202 An Act to authorize the Fall River Institution for Savings to hold Real Estate and to change its name.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The Fall River Institution for Savings is hereby authorized to take, and hereafter be known by, the corporate name of the Fall River Savings Bank, and to hold real estate to the amount of twenty thousand dollars: *provided, however*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building to be used for the banking purposes of said corporation.

Real estate,
\$20,000.

Proviso.

SECT. 2. This act shall take effect from and after its passage. *Approved by the Governor, April 18, 1855.*

Chap. 203 An Act to authorize Ira Darrow to construct a Marine Railway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Marine railway
in Edgartown.

SECT. 1. Ira Darrow is hereby authorized and empowered to construct and use a marine railway upon the land bought by him of Joseph Mayhew, at a place called Tower Hill in Edgartown, and to make upon said land such other structures and improvements as shall be necessary and convenient for the business of taking up and repairing vessels thereon, said railway not to extend more than four hundred feet into the harbor beyond low-water mark: *provided*, that this grant shall in no wise impair the legal rights of any person whatever.

May extend 400
feet into harbor.
Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act to authorize Ephraim Brown to build a Wharf in Marblehead. *Chap. 204*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ephraim Brown is hereby authorized to build and maintain a wharf from his own land adjoining the south-east side of the harbor of Marblehead, and to extend the same one hundred and fifty feet from high-water mark ; and he shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, this grant shall not interfere with the legal rights of any persons whatever. [*Approved by the Governor, April 18, 1855.*]

Wharf in Marblehead.
Rights, etc.
Proviso.

An Act to authorize the sale of Ministerial Lands by the West Parish in Haverhill. *Chap. 205*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The West Parish in Haverhill is hereby authorized to sell the real estate left to the congregation and inhabitants of said parish by the late Stephen Webster, lying in said town, and the treasurer of said West Parish of Haverhill for the time being is authorized to execute a deed or deeds to convey the same.

May sell certain real estate.
Treasurer to execute deeds.

SECT. 2. The proceeds of the sale of said lands shall be invested in such manner as said parish shall direct: *provided*, that the income only and no part of the principal shall be applied for the support of the ministry, in the same manner as provided in the last will and testament of the above named Stephen Webster.

Proceeds, how invested.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act to renew the Charter of Merrimack Mutual Fire Insurance Company. *Chap. 206*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The charter of the Merrimack Mutual Fire Insurance Company is hereby renewed and continued for the term of

Charter renewed.

Duration. twenty years from and after the seventh day of February, in the year one thousand eight hundred and fifty-six. [*Approved by the Governor, April 18, 1855.*]

Chap. 207 An Act in addition to An Act to incorporate the Equitable Marine Insurance Company in Provincetown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Guarantee capital, \$50,000.

May insure against maritime losses, etc.

Powers, duties, etc.

Former loans, etc., ratified.

On receiving from the subscribers thereto a guarantee capital of fifty thousand dollars, which shall be paid within one year from the passage of this act if not already paid, the Equitable Marine Insurance Company, established at Provincetown, may make maritime loans, and insure against maritime losses otherwise than on the mutual principle and according to the practice of stock offices; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating thereto. And all such loans and insurance which said company have heretofore made according to the stock principle are hereby ratified and made legal. [*Approved by the Governor, April 18, 1855.*]

Chap. 208 An Act to protect the Fisheries in the Towns of Danvers and Beverly.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Inhabitants may take fish, etc.

Penalty for unlawful fishing, etc.

Fish may be taken below a certain point, etc.

SECT. 1. The inhabitants of the towns of Danvers and Beverly and vicinity, in the county of Essex, may, at all times, take fish from Porter's, Crane, and Waters Rivers, so called, situated within and between the towns above named, in any manner except that prohibited in the following section.

SECT. 2. If any person or persons shall take any fish in either of the rivers named in the first section, by the use of a seine or weir, above a point designated in the third section, he or they shall for each offence, on conviction thereof, pay a fine not exceeding fifty dollars, the fines and forfeitures to be recovered in any court proper to try the same, one-half to the use of the town in which the offence is committed, the other half to him who shall prosecute therefor.

SECT. 3. It shall be lawful for any person or persons whatever to take fish in any manner below a point called Horse Pasture Point, situated in the town of Danvers, and

on the westerly side of Bass River, and near or below the mouths of the rivers named in the first section of this act.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act to authorize John Howe, Jr., to build a Wharf in East Boston. *Chap. 209*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Howe, Jr., of Boston, is hereby authorized to extend his wharf, lying between the wharves of W. and D. D. Kelley and Henry Jones, on Marginal Street, in that part of the city of Boston called East Boston, to the commissioners' line, so called, as the same is now established by law in Boston Harbor; and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to said commissioners' line: and *provided, also,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person or persons.

Wharf in East Boston.

Rights, etc.

Proviso.

Provided, also.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act to incorporate the Protestant Episcopal Society of Andover. *Chap. 210*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Abraham Marland, Benjamin H. Punchard, and John Derby, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Protestant Episcopal Church in Andover; with all the powers and privileges, and subject to the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes which relates to the proprietors of churches and meeting-houses, with power to hold real and personal estate to an amount, including their buildings and land under and

Corporators.

Name.

Powers, duties, etc.

Real and personal estate, §20, 100.

Proviso.

appurtenant to the same, not exceeding in value the sum of twenty thousand dollars: *provided*, the income thereof be appropriated exclusively to parochial purposes. [*Approved by the Governor, April 18, 1855.*]

Chap. 211 An Act in addition to an Act to incorporate the American Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$25,000 for certain purposes.

SECT. 1. The American Manufacturing Company may become interested in, and hold patent rights for, inventions, to an amount not exceeding the sum of twenty-five thousand dollars.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

Chap. 212 An Act to authorize the construction of a Fish Weir in the Town of Yarmouth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fish weir in Yarmouth.

SECT. 1. George Weaver and his associates are hereby authorized to construct a fish weir in the tide-waters of Lewis Bay, so called, in the town of Yarmouth in the county of Barnstable, for the purpose of taking fish: *provided*, said weir shall cause no obstruction to navigation or encroach on the rights of others.

Proviso.

SECT. 2. All persons unlawfully taking fish from said weir, or causing obstructions to the passage of fish to said weir, or causing damage thereto, shall be liable to a penalty of twenty dollars for each offence, to be recovered in any court competent to try the same, for the benefit of the person who shall prosecute therefor.

Penalty for unlawful fishing, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

Chap. 213 An Act to prevent the Sale or Disposition of Collateral Security.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for selling, etc., without authority, \$500 fine and imprisonment.

SECT. 1. If any person who shall hold any collateral security, deposited with him for the payment of any debt which may be due him, shall, before such debt shall become

due and payable, and without the authority of the party who shall have deposited with him such collateral security, sell, pledge, loan, or in any way dispose of the same, he shall be deemed to be guilty of a criminal offence, and liable to an indictment for so doing, and shall be punished by fine not exceeding five hundred dollars, or imprisonment in the state prison, or in the county jail, not more than two years.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1855.*]

An Act relating to the time of holding Courts in the County of Worcester. *Chap. 214*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The terms of the court of common pleas for the county of Worcester, which are now required by law to be held in the city of Worcester, on the last Monday of May and the fourth Monday of September annually, shall hereafter be held at the same place on the second Monday of May and the third Monday of October, annually.

Time of holding Court of Common Pleas changed.

SECT. 2. All appeals, recognizances, continuances, processes and all other papers and matters of a criminal nature, which would be returnable to or have day in said court on the last Monday of May, shall be returned to the term thereof, hereby established, on the second Monday of May next.

Appeals, recognizances, etc., when returnable.

SECT. 3. The grand jurors for said county of Worcester shall attend at the terms of said court hereby established, on the second Monday of May and the third Monday of October, instead of the last Monday of May and the fourth Monday of September.

Grand jury, when to attend.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1855.*]

An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors. *Chap. 215*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. It shall be unlawful and criminal for any person to manufacture for sale, or sell by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquor, or any mixed liquor a part of which is spirituous or intoxicating, unless he is duly authorized so to do as is

Unlawful to manufacture or sell intoxicating liquors except as herein-after provided.

hereinafter provided. Ale, porter, strong beer, lager beer, cider and all wines, shall be considered intoxicating liquors, within the meaning of this act, as well as all distilled spirits; but this enumeration shall not prevent any other pure or mixed liquors from being regarded as intoxicating.

Importers may
sell as imported
in original casks,
etc.

SECT. 2. Nothing in this act shall be construed to forbid the sale, by the importer thereof, of foreign spirituous or intoxicating liquors imported under the authority of the laws of the United States regarding the importation of such liquor, and in accordance with said laws, provided that the said liquor, at the time of said sale by said importer, remains in the original casks or packages in which it was by him imported, and in quantities not less than the quantities in which the laws of the United States require such liquor to be imported, and is sold by him in said casks or packages, and in said quantities only, and as pure and unadulterated as when imported. And druggists may sell pure alcohol to other druggists, apothecaries and physicians, known to be such, for medicinal purposes only: *provided, however*, that every druggist so selling shall keep a book, in which he shall enter the date of every sale of alcohol made by him, the name of the purchaser, his residence, and the quantity sold, and if exported, the place to which exported, and the name of the consignee; which book shall, at all times, be open to the inspection of the mayor and aldermen of the city or the selectmen of the town in which he has his place of business. And if any druggist, or the clerk or agent of such druggist, shall be convicted of an illegal sale, he shall pay a fine of one thousand dollars, one-half of which shall go to the complainant, and the other half to the Commonwealth.

Druggists may
sell, etc.

Provided, how-
ever.

\$1,000 fine for
selling illegally.

Unlawful to own,
etc., with intent
to sell.

SECT. 3. It shall be unlawful and criminal for any person to own, possess, or keep any spirituous or intoxicating liquor, with intent to sell the same in this Commonwealth; and no owner of any such liquor shall permit or suffer any other person to keep the same for the purpose of selling the same in this Commonwealth.

Keeping foreign
liquors not forbid,
etc.

SECT. 4. Nothing in this act shall be construed to forbid the owning, possessing or keeping of liquors of foreign production, imported by the owner or keeper thereof under the laws of the United States, and in accordance therewith, contained in the original packages in which it was by said owner or keeper imported, and in quantities not less than the laws of the United States prescribe, or the owning, possessing or keeping of liquors for sale under the authority

of this act; and nothing contained in this act shall be construed to prevent any chemist, artist or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such spirituous liquors as he may have occasion to use in his art or trade, but not for sale; and nothing in this act shall be construed to prevent the manufacture or sale of cider for other purposes than that of a beverage, or of unadulterated wine for sacramental purposes.

Chemists may keep for use, not for sale.

Cider and wine for certain purposes.

SECT. 5. The selectmen of any town, and the mayor and aldermen of any city, on the first Monday of May annually, or as soon thereafter as may be convenient, may appoint some suitable person or persons, as agent or agents of such city or town, to purchase spirituous or intoxicating liquors, and to sell the same at some central or convenient place or places within said city or town, to be used in the arts, or for medicinal, chemical, and mechanical purposes, and no other; and every such agent shall receive such fixed and definite salary, not dependent in amount upon the sales, for his services, as the board appointing him shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the selectmen or mayor and aldermen aforesaid shall prescribe for that purpose; and every such agent shall hold his situation for one year from the time of his appointment, unless sooner removed by the board which appointed him, as he may be, at any time, at the pleasure of said board: *provided*, that the selectmen of every town containing not less than one thousand inhabitants, and the mayor and aldermen of every city, shall appoint at least one such agent every year, under the penalty of forfeiting the sum of one hundred dollars for neglecting to make such appointment for the space of three months after they have entered upon their respective offices, to be recovered in an action of tort brought in the court of common pleas by any person who may sue for the same, one-half for his own benefit, the other half for the benefit of the Commonwealth.

Agents for selling to be appointed annually.

Salary.

Penalty for neglecting to appoint agent.

SECT. 6. Every agent appointed according to the preceding section shall keep a book, in which he shall enter the date of every sale of spirituous liquor made by him, the person to whom sold, the kind, quantity, and price of the liquor sold, and the purpose for which it was sold, substantially in the following form, to wit:—

Agent to keep record of sales, etc.

Date.	Name.	Residence.	Kind and Quantity.	Purpose of use.	Price.

Which book shall at all times be open to the inspection of the selectmen of the town, or the mayor and aldermen of the city, for which such agent may be appointed, and also to overseers of the poor, sheriffs, constables, and justices of the peace, in the towns and cities in which they respectively reside. Every such agent shall also keep an account of all purchases of spirituous or intoxicating liquors made by him, in which he shall specify the kinds and quantity purchased, the prices paid, and the persons of whom they were purchased, together with the dates of the purchases; and he shall also keep a regular account of all the forfeited spirituous or intoxicating liquors delivered to him for sale by order of any justice or court.

Also an account
of all purchases,
etc.

Penalty for false
statements to
agents.

SECT. 7. If any person purchasing any spirituous or intoxicating liquor of any such agent shall intentionally make to such agent any false statement regarding the use to which such liquor is intended to be applied by the purchaser, such person so offending shall, upon conviction thereof before any justice of the peace or police court, forfeit and pay a fine of not less than five nor more than twenty dollars and the costs of prosecution, and shall stand committed till the same be paid.

Agents to receive
certificate and
give bond.

SECT. 8. Every agent, appointed as aforesaid, shall receive a certificate from the mayor and aldermen or selectmen by whom he may be appointed, authorizing him, as agent of such city or town, to purchase intoxicating liquors to be used in the arts, or for medicinal, chemical and mechanical purposes only, and to sell the same for such purposes, and no other, at such place within their respective town or city as by them shall be deemed suitable, which place shall be designated with precision in said certificate; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of six hundred dollars, in substance as follows:—

Know all men that we, —, as principal, and — and —, as sureties, are holden, and stand firmly bound to the inhabitants of the town of —, (or city, as the case may be,) in the sum of six hundred dollars, to be paid unto them, their successors or assigns, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this — day of —, A. D. —. The condition of this obligation is such, that, whereas the above bounden — has been duly appointed an agent for the town, (or city,) of — to purchase intoxicating liquors, and to sell the same within, for, and on account of said town, (or city,) to be used in the arts, or for medicinal, chemical, and mechanical purposes, and no other, until the — day of —, A. D. —, unless sooner removed from said agency: Now, if the said — shall, in all respects, conform to the provisions of law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall from time to time be, established by the board making the appointment, then this obligation to be void,—otherwise to remain in full force. And the town and city clerks shall keep a record of the names and certificates in full, of all persons appointed as aforesaid as agents in their respective towns and cities, which record shall be open to public inspection at all reasonable times; and the said town and city clerks shall, as soon as practicable after the appointment of said agents, furnish a list of their names to the county commissioners of their respective counties.

Form of bond.

Record of agents to be open to inspection.

SECT. 9. The commissioners of the several counties, and the mayor and aldermen of the city of Boston, on the first Monday of May annually, or as soon thereafter as practicable, may authorize such persons as shall apply to them in writing to manufacture spirituous or intoxicating liquors at a suitable place or places, within their respective counties and city, and to sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, and to be used in the arts, or for mechanical and chemical purposes in this Commonwealth, or in any quantity to duly authorized agents of towns and cities; and such authority, given as aforesaid, shall continue for the term of one year from the date thereof, unless sooner revoked for cause, or annulled as hereinafter provided.

County commissioners may license to manufacture, etc., for one year.

SECT. 10. Every manufacturer authorized according to the provisions of the foregoing section shall keep a book,

Manufacturers to keep record of sales, etc.

in which he shall enter the date of every sale of spirituous liquors made by him, the name of the purchaser, his residence, and the quantity and kind of liquor sold, and if exported, the place to which exported, and the name of the consignee, substantially in the following form, to wit:—

Date.	Name of Purchaser.	Residence of Purchaser.	Quantity and kind of liquor.	Where exported.	Name of Consignee.	Purpose of use.

Which book shall at all times be open to the inspection of the mayor and aldermen, or of the county commissioners by whom he was authorized to manufacture spirits.

Manufacturers to receive a certificate, etc., and to give bond,

SECT. 11. Every person authorized as aforesaid, shall receive a certificate from the county commissioners, or the mayor and aldermen by whom he is authorized, giving him authority to manufacture and sell spirituous and intoxicating liquors, as aforesaid, at such place within their respective counties or city as by them shall be deemed suitable, which place shall be designated with precision in such certificate; but such certificate shall not be delivered to such person until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of six thousand dollars, in substance as follows:—

Form of bond.

Know all men that we, —, as principal, and — and —, as sureties, are holden and stand firmly bound to the inhabitants of the county of —, (or city of Boston, as the case may be,) in the sum of six thousand dollars, to be paid unto them, their successors or assigns, to which payment we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this — day of —, A. D. —. The condition of this obligation is such, that, whereas, the above bounden — has been duly authorized to manufacture spirituous and intoxicating liquors at —, in the town (or city) of —, and county of —, and to sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, or to be used in the arts, or for mechanical and chemical purposes, or in any quantity to duly authorized agents of towns and cities, as by law provided,

until the — day of —, A. D. —, unless such authority be sooner revoked or annulled: Now, if the said — shall, in all respects, conform to the provisions of law relating to the business which he is authorized, as above, to pursue, and shall violate no law of the Commonwealth, touching the manufacture and sale of spirituous or intoxicating liquors, during the term for which he is authorized to manufacture such liquors as above mentioned, then this obligation to be void,—otherwise to remain in full force. And if any person, so authorized and bound, shall commit any breach of the conditions of his bond, his certificate shall thereupon be null and void, and he shall not thereafter be authorized or permitted to manufacture or sell spirituous or intoxicating liquors.

Breach of bond
annuls certificate

SECT. 12. The clerks of the commissioners of the several counties, and the city clerk of Boston, shall keep a record of the names, residences, and certificates in full, of all persons authorized by said commissioners, and the mayor and aldermen of Boston, respectively, to manufacture and sell, as hereinbefore provided in section fifth, and also the names and residences of all agents of towns and cities, furnished them by town and city clerks, as provided in section eight, which record shall be open to public inspection at all reasonable times; and they shall furnish a list of said names, with their residences, to all persons authorized by boards respectively to manufacture and sell spirituous or intoxicating liquors, and to all agents of towns and cities, whose names have been furnished them as aforesaid, within their respective counties.

Clerks, etc., to
keep record of
persons author-
ized.

SECT. 13. Any mayor, alderman, selectman, sheriff, deputy sheriff, chief of police, or deputy chief of police, city marshal, deputy or assistant marshal, police officer, constable or watchman, in his city or town, may, without a warrant, arrest any person or persons whom they may find in the act of illegally selling, transporting, or distributing intoxicating liquors, and seize the liquors, vessels, and implements of sale in the possession of said person or persons, and detain them in some place of safe keeping until warrants can be procured on complaint made for the trial of said person or persons, and for the seizure of said liquor, vessels, and implements under the provisions of this act; and it shall be the duty of the several officers aforesaid to enforce the penalties provided in this act, or cause them to be enforced, against every person who shall be guilty of any violation thereof of which they can obtain reasonable proof. And if

Certain officers
may arrest for
selling without
warrant.

Duty of officers.

any sheriff, deputy sheriff, chief of police, or deputy chief of police, constable or police officer, shall be furnished with a written notice of any violation of this act, and the names of witnesses thereof, and shall for two weeks neglect to commence an action thereon, or prosecute, any complainant thereafter shall be entitled to all fines imposed and collected for said violation of this act.

Breach of bond voids authority to sell.

SECT. 14. Whenever complaint shall be made to the county commissioners of any county, or to the mayor and aldermen of any city, or to the selectmen of any town, that a breach of the conditions of the bond, given by any person authorized by them to purchase and sell, or to manufacture and sell, intoxicating liquors, has been committed, they shall notify the person complained of; and if upon a hearing of the parties it shall appear that any breach of such bond has been committed, they shall revoke and make void his authority, and shall, at the expense and for the use of their county, city or town, cause the bond to be put in suit in any court proper to try the same, or they may put such bond in suit without said complaint, notice or hearing.

Penalty for first conviction.

SECT. 15. If any person, by himself, his clerk, servant or agent, shall, directly or indirectly, or on any pretence or by any device, sell, or, in consideration of the purchase of any other property, give, to any other person any spirituous or intoxicating liquor, or any mixed liquor, part of which is spirituous or intoxicating, in violation of the provisions of this act, he shall, on being convicted of one such violation of the provisions of this act, pay ten dollars and the costs of prosecution, and be imprisoned in the house of correction not less than twenty nor more than thirty days;—on being convicted of a second such violation thereof, either at the same or another term of the court, or on the same complaint or indictment which charges the first such violation of this act, or on another, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the house of correction not less than thirty nor more than sixty days;

Second conviction.

Third conviction.

—on being convicted of a third, and any subsequent such violation of this act, either at the same or a different term of the court, or on the same complaint or indictment which charges the first and second, or any violation or violations of this act, or on another complaint or indictment, he shall pay fifty dollars and the costs of prosecution, and shall be imprisoned in the house of correction not less than three nor more than six months;—and if any clerk, servant or agent, or any other person, in the employment or on the

Clerks, etc., selling, equally guilty with principal.

premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same punishment. And when any act in violation of the provisions of this section has been committed by any clerk, servant or agent, or other person as aforesaid, the names of all the parties charged with the offence may be included in the same complaint, warrant or indictment, and all the parties may be tried at the same time, and judgment shall be rendered accordingly, and each person so convicted shall be subject to the fines and imprisonment provided for the offence. And one or more violations of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time; and when any person is convicted of more than one offence on any such complaint or indictment, he shall be subject to the same punishments as if he had been successively convicted on as many complaints or indictments as there are offences of which he is convicted: *provided*, that the whole aggregate term of imprisonment under any one complaint or indictment, or at any one term of the court, for violations of the provisions of this section, shall never exceed one year: *provided, always*, that the fines imposed by this section shall always be in addition to the imprisonment, and that, if the fine and costs in any case be not paid, the imprisonment shall be extended thirty days. Ten dollars, attorney's fee, to be paid to the attorney who appears for the government, shall be taxed and allowed as part of the costs in each case when a fine is imposed under this act.

One or more violations may be tried at same time.

Proviso.

Attorney's fee.

SECT. 16. Every offence declared in the preceding section may be tried and punished by any justice of the peace or police court having jurisdiction to try criminal offences in the place where the same was committed, as well as by the court of common pleas or municipal court.

Offences, by whom tried.

SECT. 17. If any person shall be a manufacturer of any spirituous or intoxicating liquor for sale, or a common seller thereof, without being duly appointed or authorized as aforesaid, and in violation of the provisions of this act, he shall, on being convicted of one such violation of the provisions of this act, pay fifty dollars and the costs of prosecution, and be imprisoned in the house of correction not less than three nor more than six months, and shall stand committed until the said fine and costs are paid; and on being convicted of a second such violation thereof, either at the same or a different term of the court, or on the same indictment

Penalty for unlawfully manufacturing, etc.

First conviction.

Second conviction.

which charges the first such violation of this act, or on another, shall pay the sum of two hundred dollars and the cost of prosecution, and be imprisoned six months in the house of correction; and on being convicted of a third and any subsequent such violation of this act, either at the same or a different term of the court, or on the same indictment which charges the first and second or any violations or violation of this act, or on another indictment, he shall pay the sum of two hundred dollars and the costs of prosecution, and shall be imprisoned twelve months in the house of correction in the county where the offence was committed; the offences declared by this section to be tried by indictment, and punished by the court of common pleas or municipal court, in the respective counties where the offences are committed. And three several sales of spirituous or intoxicating liquors, either to different persons or to the same person, shall be sufficient evidence of a violation of this section; but this shall not prevent proof of the same by other evidence. And if any clerk, servant or agent, or any other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same punishment; and when any act in violation of the provisions of this section has been committed by any clerk, servant or agent, or other person, as aforesaid, the names of all the parties accused may be included in the same complaint or indictment, and all the parties may be tried at the same time, and judgment be rendered accordingly; and each person so convicted shall incur the fines and imprisonment provided for the offence; and two or more acts of violation of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time; and every person convicted on any such indictment shall be subject to the same punishments as if he had been successively convicted on as many indictments as there are counts on which he has been convicted: *provided*, that the whole aggregate term of imprisonment to which any person may be sentenced under any one indictment, or at any one term of the court, for violations of this section, shall never exceed one year.

Third and subsequent violations.

Three sales evidence of violation

Clerks to be held same as principal

Proviso.

Penalty for transporting by expressmen.

SECT. 18. If any expressman, common carrier or other person, shall, for the purpose of conveying to any other person, receive any spirituous or intoxicating liquor which has been sold or is intended for sale in violation of this act, he having reasonable cause to believe that the same has been

so sold or is so intended to be sold, such expressman, common carrier or other person, shall, on conviction thereof, pay twenty dollars and the costs of prosecution, and shall stand committed until the same be paid; the same to be How recovered. recovered on complaint before any justice of the peace or police court having criminal jurisdiction, either in the place where said liquor may be received, or in any place through which it may be carried, or in the place at which it may be delivered to the purchaser or any person for him.

SECT. 19. If any person having authority from any railroad corporation to receive goods to be transported by such corporation, shall receive any spirituous or intoxicating liquor which has been sold, or is intended for sale, in violation of this act, for the purpose of having the same transported on such railroad, he at the time of receiving the same having reasonable cause to believe that the same has been so sold, or is so intended for sale, he shall be liable to be tried and punished as a common carrier, as before provided; and the said railroad corporation shall also be liable to pay Same subject. a fine of fifty dollars and the costs of prosecution, to be recovered by indictment in the court of common pleas or in the municipal court in any county in which such liquor may have been received or in which it may be carried. Railroad corporations liable.

SECT. 20. Every person who shall bring into this State, or who shall convey from place to place within the same, any spirituous or intoxicating liquor, with intent to sell the same himself, or to have the same sold by another, or having reasonable cause to believe that the same is intended to be sold by any other person, in violation of this act, shall be punished in the manner provided in the fifteenth section of this act for any person selling spirituous or intoxicating liquor, illegally, on conviction for the first and each succeeding offence, and shall have the same right of appeal. Penalty for bringing liquor into the State, etc.

SECT. 21. If the husband, wife, parent, child, guardian or employer of any person who has the habit of drinking spirituous or intoxicating liquor to excess, shall give notice in writing, signed by him or her, to any person, not to deliver any spirituous or intoxicating liquor to the person who has such habit, if the person so notified shall deliver any spirituous or intoxicating liquor to the person who has such habit, at any time within twelve months after such notice given, the person giving such notice may, in an action of tort brought by him or her, recover of the person so notified any sum not less than twenty-one nor more than five hundred dollars, as may be assessed by the jury as damages; and Penalty for selling to certain persons after notice in writing, not less than \$20 nor more than \$500.

any married woman may bring such action in her own name, notwithstanding her coverture, and all damages recovered by her shall go to her separate use. In case of the death of any party to or against whom an action is given by this section, it shall survive to or against his or her executors or administrators.

In case of assault, etc., a joint or separate action may be brought.

SECT. 22. If any person in a state of intoxication shall commit any assault and battery, or injure any property, the person who furnished him the spirituous liquor or any part of it which occasioned his intoxication, if the same was furnished him in violation of this act, shall be subject to the same action on behalf of the party injured which the party injured would have against the person intoxicated; and the party injured, or his legal representatives, may bring either a joint action against the person intoxicated and the person who furnished the liquor, or a separate action against either.

Officers to make arrests without warrant for disturbing the peace

SECT. 23. If any person shall be found in a state of intoxication in any highway, street, court-house, town-house, or other public place, or shall be found in a state of intoxication in any place, committing any breach of the peace or disturbing others by noise, any sheriff, deputy sheriff, constable, watchman, or police officer, shall, without any warrant, take such person into custody, and detain him in some proper place until in the opinion of such officer he shall be so far recovered from his intoxication as to render it proper to carry him before a court of justice: such officer shall then take him before some justice of the peace or police court in the town or city where such person may have been found, and shall then make a complaint before such justice or court against such person for the crime of drunkenness under the eighteenth section of the one hundred and thirtieth chapter of the Revised Statutes: and if such person so arrested shall then disclose fully, the name of the person of whom, and the time, place, and manner in which, the liquor producing his intoxication was procured, and all the circumstances attending it, such justice or court shall administer to him the oath provided for witnesses, and shall interrogate him in the presence of the officer who made the arrest, respecting the matters aforesaid; and if it shall thereupon appear to the said officer and magistrate that either of the offences specified in the fifteenth or seventeenth sections of this act has been committed, the officer who made the arrest shall, in due form, file his complaint for the commission of either of said offences, before the said justice or police court, against the person or persons who, upon such disclosure

Officer to complain, etc.

Proceedings when person arrested discloses, etc.

being made, shall appear to the officer to have been guilty thereof, and the person so taken intoxicated shall be named as one of the witnesses in the said complaint, and a subpoena shall issue against him as such. And the said officer shall thereupon discontinue his prosecution for drunkenness, and the person so arrested shall be discharged, and shall not be liable to be prosecuted again for the same offence.

SECT. 24. Any person who shall own, possess, or keep any spirituous or intoxicating liquor, with intent to sell the same in this Commonwealth, contrary to the provisions of this act, shall, on conviction thereof before any justice of the peace or any police court having jurisdiction to try criminal offences in the place where such liquor is kept, be fined ten dollars and pay the costs of prosecution, and shall be imprisoned twenty days in the house of correction, and shall be imprisoned twenty days longer if said fine and costs are not paid. And a complaint may be made and prosecuted under this section, whether any liquor has been seized as being owned or kept by the person complained against or not.

Persons convicted, etc., fined \$10 and costs, and imprisoned twenty days.

SECT. 25. If any two persons, being of full age, and competent to testify, shall, before any justice of the peace, or judge of any police court, having jurisdiction to try criminal causes, make complaint under oath or affirmation that they have reason to believe, and do believe, that any spirituous or intoxicating liquor, described in the complaint, is kept or deposited in any store, shop, warehouse, or in any steamboat or other vessel, or in any vehicle of any kind, or in any building or place in any city or town, by any person named in said complaint, and intended for sale in this Commonwealth by such person, such person not being authorized to sell the same, or manufacture, or to keep the same for sale in this Commonwealth, for any purpose under this act, or any other legal authority whatever, said justice or court, upon its appearing that there is probable cause to believe said complaint to be true, shall issue a warrant of search to any sheriff, or deputy sheriff, or city marshal, or chief of police, or deputy chief of police, or deputy marshal, or constable, commanding such officer to search the premises in which it is alleged such liquor is deposited, and to seize such liquor, with the vessels in which it is contained, and to keep the same securely until final action be had thereon, and to return the warrant, with his doings thereon, as soon as may be, to the justice or court that issued the warrant, or to some other justice or police court having jurisdiction

Justice or court may issue warrant of search upon complaint, under oath, of two persons.

Return of warrant.

Dwelling-houses
exempt, unless,
etc.

Complaint shall
particularly de-
signate, etc.

Warrant issued
shall be sworn
to.

Officer shall
search, seize and
convey liquor, etc

Proceedings in
case of seizure
under §20.

in criminal cases in the place where such liquor is alleged to be kept or deposited; and if the place to be searched be a dwelling-house, used and occupied exclusively as such, and no tavern, store, or grocery, eating-room, or place of common resort be kept therein, such warrant shall not be issued; but no warrant shall issue for the search of any dwelling-house unless one of said complainants shall make oath or affirmation that he has reason to believe, and does believe, that such liquor has been sold therein or taken therefrom for the purpose of being sold by the occupant thereof, or by his consent or permission, contrary to law, within the time of one month next before making such complaint, and is then kept therein for sale by the person complained against, contrary to law, and shall, in his oath or affirmation, state the facts and circumstances on which such belief is founded; and such allegations shall be recited in the complaint and warrant. And in all cases the complaint shall particularly designate, so as to identify, the building, structure, and place to be searched, the liquors to be seized, the person by whom they are owned, kept, or possessed, and intended for sale, and it shall allege the intent of such person to sell the same in this Commonwealth contrary to the provisions of this act; and the warrant to be issued on said complaint shall be supported by the oath or affirmation of the complainant; it shall allege that probable cause has been shown for the issuing thereof; and the place to be searched, the liquors to be seized, and the person believed to be the owner, possessor or keeper of such liquors, and intending to sell the same contrary to the provisions of this act, within this Commonwealth, shall be set out therein by special designation, and with the same particularity as in the complaint; and the offence, both in the complaint and warrant, shall be fully, plainly and substantially described, and the complainants shall be summoned to appear as witnesses at the time and place which shall be assigned for the hearing and trial upon said complaint. And the officer to whom the warrant is committed shall thereupon proceed to search the premises described in the warrant, and seize the liquor described in the warrant, with the casks or other vessels in which it is contained, if they are found in or upon the said premises, and shall convey the same to some proper place of security, where he shall keep the liquor and vessels containing it until final action be had thereon.

SECT. 26. Whenever any liquor shall have been seized upon any such warrant, the justice or court before which it

is returned, if in the opinion of said justice or court the value of the liquor seized, with the vessels containing it, shall not exceed twenty dollars, shall, within forty-eight hours after such seizure, issue a written notice, to be signed by the justice or the clerk of said court, under the seal of the justice or court, commanding the person complained against as the keeper of the liquor seized, and all other persons claiming any interest therein, or in the casks or vessels containing the same, to appear before said justice or court, at a time and place to be therein named, to answer to said complaint, and for trial, and to show cause, if any they have, why such liquor, with the vessels containing it, should not be forfeited. Said notice shall contain a description of the number and kind of vessels, and quantity and kind of liquor seized, as nearly as may be, and when and where they were so seized, and shall be served by any sheriff, deputy sheriff, constable, or police officer, upon the person charged with being the keeper of the liquor seized, either by leaving an attested copy of the same with him personally, or at his usual place of abode, if he be an inhabitant of the Commonwealth, and also be served by posting up another attested copy of the same on the building in which the liquor was seized, if it was found in any building, or else in some public place in the town or city where the liquor was seized, and also by publishing another attested copy of the same, at least twice, in some newspaper printed in the county where such seizure is made, if there be any such newspaper; and the posting up of said notice, and the serving the same on the party complained of as keeper, and the first publication in said newspaper shall be not less than fourteen days before the time appointed for the trial; and if, at the time appointed for the trial, the said notice has not been duly served, or for other sufficient cause, the trial may be postponed till some other day and place, and a new notice issued to be served anew, so as to supply any defect in the service of the previous notice; and time and opportunity for trial and defence shall be given to persons interested.

Notice to be served on keeper of liquor.

New notice may issue in certain cases.

SECT. 27. At the time and place appointed by the notice, the person complained against, or any other person or persons claiming an interest in the said liquor and vessels seized, or any part thereof, may appear and make their claims respectively, either verbally or in writing; and the justice or court shall keep a record of his or their appearance and claims, and he or they shall be admitted as a party

Subsequent proceedings.

or parties on the trial, and issues may be joined ; and whether any person shall enter any claim or not, the justice or court shall thereupon proceed to try, hear and determine the allegations of such complaint, and whether said liquor and vessels, or any part thereof, be forfeited ; and if, upon the evidence presented at the trial, it shall appear to the said justice or court that the said liquor or any part thereof was, when the complaint was made, owned or kept by the person alleged in the complaint for the purpose of being sold, in violation of this act, the said court or justice shall render judgment that such and so much of the liquor so seized as was so unlawfully kept, and the vessels in which it is contained, are forfeited to the Commonwealth ; and any of such liquor so forfeited, which, in the opinion of said justice or court, is suitable for use for medicinal, chemical or mechanical purposes, shall, by the authority of the written order of said justice or court to that effect, be delivered to any agent appointed for the sale of spirituous liquors of the city or town in which said liquors were seized, to be sold by him, and the net proceeds paid over to the treasurer of the Commonwealth. And if there be no such agent in the said town or city, such of the said liquors as are suitable for use as aforesaid shall be delivered to any such agent in the Commonwealth that the said justice or court may order, to be by such agent sold, and the proceeds paid over to the treasurer of the Commonwealth ; and any officer to whom such order is directed shall make return thereof of his doings in the premises, and any of such liquors, which, in the opinion of said justice or court, are not suitable for use as aforesaid, shall, by his like order, be destroyed in the presence of said justice or court, or in the presence of some person appointed by said justice or court to witness the destruction thereof, who shall join with the officer by whom they are destroyed in attesting the fact, upon the back of the order, by authority of which it was done. And if no person shall appear and be admitted as a party as aforesaid, or if judgment shall be rendered in favor of all the claimants who appear, then the cost of the proceedings shall be paid as in other criminal cases ; but if only one party appearing shall fail to sustain his claim as aforesaid, he shall pay all the costs of the proceedings except the expense of seizing and keeping the liquor, and an execution shall be issued against him therefor. And if judgment shall be rendered against more than one claimant as aforesaid and claiming distinct interests in said liquor, then the costs of said proceedings and trial shall be

Liquors forfeited
suitable for use,
to be delivered to
agent, etc.

Liquors not suit-
able, etc., to be
destroyed.

Costs.

equitably, according to the discretion of the justice or court, apportioned among such parties, and executions shall be issued against them severally for the costs adjudged against them; and if any such execution shall not be forthwith paid, the defendant therein named shall be committed to the common jail, and shall not be discharged therefrom until he shall have paid such execution and the costs of commitment, or until he shall have been imprisoned thirty days.

SECT. 28. If, upon the trial, it shall appear to the said justice or court, either in regard to all the liquor seized, or in regard to some part thereof, that it has not been proved that any of the same was kept or deposited for sale contrary to law, the said justice or court shall issue a written order to the officer having the same in custody, to return such and so much of the said liquor as has not been proved to be kept or deposited for sale contrary to law, with the vessels in which it is contained, to the place from whence it was taken, as nearly as may be, or to deliver the same to the person entitled to receive it; which order the said officer, after executing the commands thereof, shall return to the said justice or court, with his doings indorsed thereon.

SECT. 29. Any person claiming any spirituous liquors, whose claims shall not be allowed under the provisions of the twenty-seventh section of this act, or any person complained against, shall have the same right of appeal, and to the same court, as if he had been convicted of a crime; but, before his appeal shall be allowed, he shall recognize to the Commonwealth in the sum of two hundred dollars, with a good and sufficient surety or sureties, to prosecute his appeal at the court appealed to, and to abide the sentence of the court thereon; and in case of such appeal, any question of fact shall be tried by a jury; and on the judgment of the court after verdict, whether of forfeiture or otherwise, of the whole or any part of the liquor and vessels seized, the same proceedings shall be had thereupon as are directed in the twenty-seventh and twenty-eighth sections of the same.

SECT. 30. If, in the opinion of the justice or court before which any warrant is returnable, under which any liquor has been seized, the value of the liquor so seized, together with the vessels containing it, exceeds twenty dollars, he shall issue a notice in the same manner and form as directed in the twenty-sixth section of this act, except that, instead of making the same returnable before said justice or court, he shall make the same returnable to the term of the court of common pleas, in the same county, having jurisdiction of

Liquors seized, if not proved for sale, to be returned, etc.

Persons claiming, etc., to have right of appeal.

To recognize in sum of \$200, etc.

Proceedings in case of seizure over \$20.

criminal cases, or of the municipal court, to be held in any such county next after the expiration of fourteen days from the time of issuing said notice, which notice shall be served in the manner directed in said twenty-sixth section; and the court of common pleas before which such notice is made returnable shall have jurisdiction of the case, and may issue new notices in the manner directed in said section if necessary, and shall proceed to try the case in the manner directed in said twenty-sixth section as nearly as may be, and with a jury, upon any issue or issues of fact presented by the claimant or claimants, or which may be directed by the court; and said court, after the trial, shall proceed in the manner directed in the twenty-seventh and twenty-eighth sections of this act as nearly as may be.

Duty of officers,
on information, to
arrest keepers of
tents, etc., on
public days.

SECT. 31. It shall be the duty of any mayor, alderman, selectman, city marshal, or deputy marshal, sheriff, deputy sheriff, police officer, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, booth, stall, or similar place for selling refreshments in any public place, on or near the grounds of any cattle show, agricultural exhibition, military muster, or any public occasion of any kind, to seize such liquor and the vessels in which it is contained, and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice of the peace, or police court, with the liquor and vessels so found and seized, and to make complaint for the arrest and trial of such person or persons, and for the seizure and confiscation of such liquors, according to the provisions of this act.

Right of appeal.

SECT. 32. Every person convicted under the last section, or of any offence under this act, by any police court, or justice of the peace, may appeal from the sentence to the court of common pleas, or to the municipal court, then next to be holden in the same county; and such appellant shall be committed to abide the sentence of the said justice or court until he shall recognize to the Commonwealth in the sum of not less than one hundred dollars, with two good and sufficient sureties, with condition to appear at the court appealed to, and there to prosecute his appeal, and to abide the sentence of the court thereon, and in the mean time to keep the peace and be of good behavior.

Appellant to
recognize.

Persons convicted,
etc., to recognize
in sum of
\$1,000 to \$2,000.

SECT. 33. Every person convicted of any offence under this act shall, in addition to the punishment herein prescribed, be required by the court or magistrate before whom he is convicted, to recognize to the Commonwealth in a sum

not less than one thousand, nor more than two thousand, dollars, that he will not, within one year from the time of said conviction, violate any provision of this act, or any law of this Commonwealth relating to the manufacture and sale of intoxicating liquor, and shall stand committed until he enter into such recognizance.

SECT. 34. In all cases under this act, delivery of intoxicating liquor in or from any building or place, other than a private dwelling-house or its dependencies, or in such dwelling-house or dependencies if any part of the same be a tavern, public eating house, grocery, or other place of common resort, shall be deemed *prima facie* evidence of a sale, and be punishable as such sale; and a delivery in or from a private dwelling-house, with payment, or promise of payment, either express or implied, on, before, or after such delivery, shall be deemed *prima facie* evidence of a sale within the meaning of this act, and shall be punishable in like manner.

What shall constitute evidence of sale.

SECT. 35. All cases arising under this act, whether by action, indictment, or complaint, which shall come before any court, either by appeal, or original entry, shall take precedence in said court, of all other business, except those criminal cases in which the parties are actually imprisoned awaiting a trial: and the prosecuting officer shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this act, either before or after the verdict, except where the purposes of justice may require it, which shall be shown either upon a written motion filed in the case on behalf of the defendant, or a written statement filed by the prosecuting officer, stating the reason for a continuance; and a *nolle prosequi* shall not be entered by the prosecuting officer, excepting with the concurrence of the court. And in all cases arising under this act before a justice of the peace or police court, no admission of the defendant made in court shall be received on the trial without the consent of the prosecutor, except a plea of guilty.

Cases under this act to take precedence, etc.

Nol. pros. not to be entered, except, etc.

SECT. 36. The district-attorneys, and the attorney of the Commonwealth for the county of Suffolk, are hereby directed to commence suits upon all recognizances given under this act, within their respective districts, within sixty days after default shall have been entered of record, or they shall have satisfactory evidence of any act which should cause a forfeiture thereof respectively; and no suit on any recognizance shall be continued, unless for good cause satisfactory to the court. But nothing herein contained shall prevent the com-

District attorneys are to commence suits on recognizances in sixty days after default, etc.

mencement of such suit after the expiration of said sixty days.

Liquors, and implements for selling, to be regarded as nuisances, etc.

SECT. 37. All intoxicating liquors kept for sale, and the implements and vessels actually used in selling and keeping the same, contrary to the provisions of this act, are hereby declared to be common nuisances, and are to be regarded and treated as such; all payments or compensations for spirituous or intoxicating liquors sold in violation of law, whether in money, labor, or personal property, shall be held and considered to have been received without consideration, and against law, equity, and good conscience; and in any action, either at law or equity, touching such money, labor, or personal estate, the purchaser, and also the seller of such liquors, may be witnesses for either party. And no action of any kind shall be had or maintained, in any court in the Commonwealth, for the price of any liquor sold in any other State for the purpose of being brought into this Commonwealth to be here kept or sold in violation of law, under such circumstances that the vender would have reasonable cause to believe that the purchaser entertained such illegal purpose; and all bills of exchange, promissory notes, and other securities for, and evidences of debt whatsoever, given, in whole or in part for the price of liquor sold in violation of this act, shall be void against all persons holding the same with notice of such illegal consideration either direct or implied by law.

Debts for liquors bought or sold in violation of this act, how considered.

Actions not to be maintained against officers for executing warrant, etc.

SECT. 38. No action shall be had or maintained against any sheriff, deputy sheriff, chief of police, or deputy chief of police, or constable, or their assistants, for executing any warrant or order issued under this act by any justice or court competent to try the same; nor shall any action be had or maintained against any officer for seizing, detaining or destroying any intoxicating liquor, or the vessels containing it, unless such liquor and vessels were legally kept by the owner thereof. And if any sheriff, chief of police, or deputy chief of police, marshal, constable, or other officer, to whom any warrant, process, or precept provided for in this act, may be directed, shall neglect or refuse to serve and execute the same, he shall be fined not less than three hundred dollars, and not exceeding one thousand dollars, and it shall be a sufficient cause for removal or dismissal from office; and for any loss or damage arising to him, without fault or negligence on his part, in consequence of obedience to any precept, process, or warrant aforesaid, duly served,

Fine for neglecting to serve warrant, etc.

indemnity, if claimed, shall be claimed of the Commonwealth, after the loss or damage sustained, and in no other manner.

SECT. 39. The act entitled "An Act concerning the Man- Acts repealed.
ufacture and Sale of Spirituous or Intoxicating Liquors,"
passed in the year eighteen hundred and fifty-two, and all
other acts and parts of acts inconsistent with the provisions
of this act, are hereby repealed. But this repeal shall not
affect any action or prosecution which has been already Repeal not to af-
fect actions al-
ready commenc-
ed, etc.
commenced, or which may be hereafter commenced, or any
rights acquired or liabilities incurred, by virtue of any ex-
isting law, on account of any thing done before this repeal
takes effect. The provisions of the fourth section of the
one hundred and thirty-ninth chapter of the Revised Statutes
shall not be deemed to apply to cases arising under this act.
[Approved by the Governor, April 20, 1855.]

An Act extending the time for the construction of a Branch of the New- Chap. 216
buryport Railroad in Newburyport, and authorizing the discontinuance
of a portion of the same.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

The time within which the Newburyport Railroad Com- Extension of time
for locating and
constructing.
pany may locate and construct a branch railroad to the Mer-
rimack River in Newburyport, and thence across the wharves
to some convenient point in Newburyport, is hereby extended
to the first day of October, in the year eighteen hundred and
fifty-six; and said company may within said time discontinue
any portion of said branch railroad upon which they shall May discontinue,
etc., by filing
plan.
not have commenced construction, by filing a plan of the
portion to be thus discontinued with the county commission-
ers of the county of Essex. [Approved by the Governor,
April 21, 1855.]

An Act to incorporate the Waverley Company.

Chap. 217

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

SECT. 1. James C. Dunn, Gardiner G. Hubbard, Estes Corporators.
Howe, and their associates and successors, are hereby made
a corporation by the name of the Waverley Company, for the
purpose of holding, improving, and disposing of certain lands Purpose.
situated in the towns of Watertown and Waltham now held
by the said Dunn, Hubbard and Howe, as trustees, and such
other land adjacent and near to said lands as may be deemed

advisable by said company to be purchased and held by them :
provided, however, that said company shall not hold more than three hundred acres of land ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes and the acts in addition thereto.

Proviso.

Duties, liabilities, etc.

Capital stock,
\$300,000.

No shares to be
issued under par.

SECT. 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and no share in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.
[Approved by the Governor, April 21, 1855]

Chap. 218 An Act to extend the time for constructing the Charles River Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for completion extended.

SECT. 1. The time within which the Charles River Railroad Company may complete their railroad is hereby extended two years from the first day of May, in the year one thousand eight hundred and fifty-five.

When to take effect.

SECT. 2. This act and the act passed at the present session of the general court entitled "An Act to authorize the Charles River Railroad Company to change their location and extend their line," shall take effect from and after the passage of this act. *[Approved by the Governor, April 21, 1855.]*

Chap. 219 An Act to authorize the Commissioners of Bristol County to borrow Money for the purpose of enlarging and repairing the Jail and House of Correction in New Bedford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May borrow
\$30,000.

The county commissioners for the county of Bristol are hereby authorized and empowered to borrow, on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding thirty thousand dollars, the same to be expended by the said commissioners, or their successors in office, in repairing and enlarging the jail and house of correction in New Bedford in said county. *[Approved by the Governor, April 21, 1855.]*

An Act in addition to an Act for the more equal Assessment of Taxes. *Chap. 220*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The ninety-eighth chapter of the acts passed in the year one thousand eight hundred and forty-three, entitled "An Act for the more equal assessment of Taxes," is hereby so amended that the provisions thereof shall apply to the clerk or secretary of any mutual insurance company in this Commonwealth which is now, or which may be hereafter, authorized by law to issue capital stock; and the clause therein contained which is inconsistent with this act is hereby repealed. Act of 1843 amended.

SECT. 2. If the cashier of any bank, the treasurer of any savings institution, or the clerk or secretary of any insurance company in this Commonwealth, shall refuse or neglect to make the returns required in chapter one hundred and ten of the acts passed in the year one thousand eight hundred and forty-nine, entitled "An Act in addition to an Act for the more equal assessment of Taxes," or falsify such returns, he shall forfeit the sum of fifty dollars for every such offence, to the use of the city or town in which such shareholder may reside, to be recovered by the treasurer of such city or town in any court of competent jurisdiction. Forfeiture for neglecting to make returns, etc.
[Approved by the Governor, April 21, 1855.] How recovered.

An Act in addition to an Act to incorporate the Providence and Bristol Railroad Company. *Chap. 221*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The charter of the Providence, Warren and Bristol Railroad Company, incorporated under the name of the Providence and Bristol Railroad Company, is hereby so amended that the location and construction of their railroad may be made and completed at any time before the first day of February, in the year eighteen hundred and fifty-six. Time for locating and constructing extended.

SECT. 2. Said company is authorized to add to its capital stock not exceeding fifteen hundred shares of one hundred dollars each, and to distribute said new stock to the stockholders, or to sell the same, or any part thereof, on such terms, at such rates, and with such provisions and guarantees as shall be determined on by the stockholders at any meeting called for that purpose. 1,500 additional shares, of \$100 each.

Second section,
when and how
to take effect.

Proviso.

SECT. 3. The second section of this act shall not take effect until the same has been accepted by a vote of the stockholders of said company, at a meeting especially convened for that purpose in accordance with the by-laws of said company, nor shall the same take effect unless the like authority has been or shall be obtained from the legislature of the State of Rhode Island: *provided, however*, that this act is not to be construed as giving to said company power to add to their capital stock other or different stock from the stock issued under a like authority obtained from the legislature of said State of Rhode Island. [Approved by the Governor, April 21, 1855.]

Chap. 222

An Act relating to Ordinances and By-Laws of Cities and Towns.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justice C. C. Pleas
may approve by-
laws, etc.

SECT. 1. In all cases in which it is necessary to procure the approval of the court of common pleas of any ordinance or by-law of any city or town, said ordinance or by-law may be presented to any justice of said court in vacation; and his approval thereof, indorsed thereon, shall be as effectual and valid in law as if made by the court at a regular term held for the county in which the town or city is situated.

Clerk of court to
make record, etc.

SECT. 2. Before such ordinance or by-law shall take effect, it shall be entered and recorded, together with the approval thereof, in the office of the clerk of the court of common pleas for the county in which such town or city is situated; and the same shall take effect as soon as it is recorded.

SECT. 3. This act shall take effect on and after its passage. [Approved by the Governor, April 21, 1855.]

Chap. 223

An Act in relation to Seals of Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Impression of seal
to be valid.

SECT. 1. The impression or stamping of the established seal of any corporation, upon any legal instrument executed by such corporation, shall henceforth be taken and held to be the seal of such corporation, and valid in law to the same extent that an impression of such seal would be if made on wax or wafer attached to such instrument.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1855.*]

An Act establishing the Pay of Assessors and Selectmen.

Chap. 224

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The forty-fifth section of the seventh chapter of the Revised Statutes is hereby so far amended as to make the sum to be paid to each assessor or selectman by his town, for every whole day that he shall be employed in that service, one dollar and fifty cents, together with such other compensation as the town shall allow. Pay \$1.50 per day

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1855.*]

An Act to incorporate the Trustees of the Free Grammar School in Brimfield. Chap. 225

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jason Morse, Gilman Noyes, James S. Blair, John Wyles, Newton S. Hubbard, Joseph L. Woods, Abraham Charles, Alfred L. Converse, and Henry F. Brown, and their successors, are hereby made a corporation by the name of the Trustees of the Free Grammar School in Brimfield; with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.

SECT. 2. Said trustees may take and hold the fund of ten thousand dollars set apart and appropriated by Samuel A. Hitchcock, of Brimfield, in the county of Hampden, as a fund for endowing a free grammar school in said Brimfield, and apply the income thereof in conformity with the provisions of an instrument in writing, signed by said Samuel A. Hitchcock, and recorded in the records of said town of Brimfield. Powers, duties, etc. Trustees may hold fund and apply income.

SECT. 3. In addition to said fund, said trustees may hold personal and real estate to an amount not exceeding twenty-five thousand dollars, to be devoted exclusively to the purposes of education. Real and personal estate not to exceed \$25,000.

Trustees may fill vacancies.

Proviso.

SECT. 4. Said trustees may fill vacancies occurring in their own number, at any meeting called for that purpose: *provided*, that no person shall be eligible as a trustee who is not a resident of said town of Brimfield.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1855.*]

Chap. 226

An Act in relation to Proceedings in Insolvency.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Pending cases in insolvency, how disposed of, in certain cases.

SECT. 1. In case any commissioner of insolvency for any county, before whom any proceedings in insolvency may be pending, shall resign his office, he nevertheless shall have power and authority to finish and close any case of insolvency which may have been entered before him, or commenced by him, before such resignation; or he may, if he see fit, transfer the case or cases so pending to the judge of probate for his county, to be proceeded with according to the provisions of an act passed April fifteen, eighteen hundred and fifty, entitled "An Act in addition to the several Acts for the relief of Insolvent Debtors, and the more equal distribution of their effects."

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1855.*]

Chap. 227

An Act concerning the Saugus Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May discontinue portion of road.

The Eastern Railroad Company and the Saugus Branch Railroad Company are hereby authorized to discontinue so much of that part of the Saugus Branch Railroad as they may elect, commencing at its junction with the Boston and Maine Railroad in Malden, and terminating at a point in the line of said Saugus Branch Railroad, distant about twenty-five hundred feet from said junction: *provided, however*, that if the extension of said Saugus Branch Railroad is not constructed in accordance with the provisions of an act entitled "An Act in addition to an Act to incorporate the Saugus Branch Railroad Company," approved April fifteenth, eighteen hundred and fifty-four, then this act shall be null and void. [*Approved by the Governor, April 26, 1855.*]

Proviso.

An Act to incorporate the Lynn Musical Association.

Chap. 228

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Cyrus M. Tracy, Warren Tapley, Joseph M. Rowell, their associates and successors, are hereby made a corporation by the name of the Lynn Musical Association for the purpose of promoting the cultivation of vocal and instrumental music; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and the acts in addition thereto.

Corporators.

Purpose.

Powers, privileges, etc.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid to an amount not exceeding twenty thousand dollars. [Approved by the Governor, April 26, 1855.]

Real and personal estate not to exceed \$20,000.

An Act to change the Name and extend the Mining Privileges of the Massachusetts Coal and Mining Company.

Chap. 229

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Massachusetts Coal and Mining Company may take the name of the Eastern Coal Company.

Name changed.

SECT. 2. The said corporation may extend its mining operations which they are now authorized to prosecute within the towns of Mansfield and Foxborough, into the towns of Attleborough and Pawtucket and the vicinity thereof, and as far as their mineral rights or other lawful privileges may extend into the State of Rhode Island.

May extend operations, etc.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 26, 1855.]

An Act concerning the Fitchburg Railroad Company.

Chap. 230

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Fitchburg Railroad Company are hereby authorized to increase the safety and convenience of their bridge across Charles River, between the cities of Boston and Charlestown, by closing and removing the northerly draw therein, which has fallen into disuse, and to widen for the same purposes such bridge on each side thereof, by extending the same upon piles over the several tracts or par-

May close draw and widen bridge.

cells of land covered by said river, hereinafter described; such tracts or parcels are five in number, three of which are on the westerly side of said bridge, and two are on the easterly side of the same.

Westerly bound-
aries.

The three tracts or parcels situate on the westerly side of said bridge have for their eastern boundary the westerly side of said bridge, and for their westerly and south-westerly boundaries the lines hereinafter described. The first of said tracts or parcels is bounded south-westerly and westerly by a line commencing on Haverhill Street, in said Boston, at a point on the westerly side of said street at its intersection with said bridge, and distant one hundred and seventy feet at right angles from the easterly side of the Boston and Maine Railroad Bridge; and thence runs north-westerly parallel to such last-named bridge to a point distant fifty feet at right angles from the westerly side of said Fitchburg Railroad Bridge, and distant one hundred and seventy-one feet at right angles from the easterly side of the Boston and Maine Railroad Bridge; and thence runs northerly parallel to said Fitchburg Railroad Bridge to a point in the southerly side of the western pier of its southern draw, distant fifty feet from the westerly line of said Fitchburg Railroad Bridge; and said tract or parcel is bounded northerly by said pier.

Second tract.

The second of said tracts or parcels is bounded south-westerly and westerly by a line which commences at a point on the westerly side of said Fitchburg Railroad Bridge, a little north of said southern draw; and thence runs north-westerly to a point distant four hundred feet from the northern side of such southern draw, and distant fifty feet at right angles from the westerly side of said Fitchburg Railroad Bridge, such line being so drawn as to leave an open space or passage way for vessels, as wide as the passage way now is between the said Fitchburg Railroad Bridge and the eastern pier of the southern draw of the bridge of the Boston and Maine Railroad Company. From this point said line runs northerly, parallel to said Fitchburg Railroad Bridge, and at the distance of fifty feet from the westerly side thereof to the western pier of its northern draw, and said tract or parcel is bounded northerly by said last-named pier.

Third tract.

The third of said tracts or parcels on the westerly side of said Fitchburg Railroad Bridge is bounded south-westerly by a line commencing at the north-west corner of said last-named pier, and thence running north-westerly in a

straight line to an angle in the present wharf line of the Fitchburg Railroad Company at Charlestown, distant four hundred and ten feet six inches in an oblique line from the westerly side of the Fitchburg Railroad Bridge. The two tracts or parcels aforesaid lying on the easterly side of said Fitchburg Railroad Bridge have for their western boundary the easterly side of said bridge, and for their eastern boundaries the lines hereinafter described.

The easterly boundary of one of said tracts or parcels commences at a point on the westerly side of the Warren Bridge, distant twenty-seven feet nine inches eastward, and at right angles from the easterly side of the Fitchburg Railroad Bridge; and thence runs northerly parallel to said last named bridge to a point on the southerly side of the south-eastern pier of the south draw thereof, distant fifty feet at right angles from the easterly side of said last named bridge; a portion of said tract or parcel being fifty feet wide, and a portion only twenty-seven feet nine inches wide, on account of an abrupt change in the width of said Fitchburg Railroad Bridge; and said tract or parcel is bounded southerly by said Warren Bridge, and northerly by said last-named pier. Easterly boundaries.

The easterly boundary of the other of said tracts or parcels commences at the north-east corner of the north-eastern pier of the south draw of said Fitchburg Railroad Bridge, and runs parallel to the said bridge to a point in the wharf of the Fitchburg Railroad Company in Charlestown, distant ninety-six feet five inches at right angles from the eastern line of the main structure of said bridge; and said tract or parcel is bounded southerly by said north-eastern pier of said south draw, and northerly by the line of wharf in Charlestown and by the north-eastern pier of said northern draw. Second tract.

SECT. 2. The Fitchburg Railroad Company, in widening their bridge and covering therewith the several tracts or parcels hereinbefore specified and described, shall construct the same upon piles, in continuation of their present piers, and in such manner as their present bridge has been constructed, so as to cause the least obstruction to the flow of the stream; and the same shall be done under the supervision of a commissioner, to be appointed by the governor and council, at the expense of said Fitchburg Railroad Company. Built on piles. Commissioner to be appointed.

[Approved by the Governor, April 26, 1855.]

Chap. 231

An Act concerning Liens on Ships and Vessels.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lien on vessels
for money due for
labor, etc.

SECT. 1. Whenever, by virtue of any contract, expressed or implied, with the owners of any ship or vessel, or with the agents, contractors or sub-contractors of such owners, or any of them, or with any person having been employed to construct, repair or launch such ship or vessel, or to assist them, money shall be due to any person for labor performed, materials used, or labor and materials furnished in the construction, launching or repairs of, or for constructing the launching ways for, or for provisions, stores or other articles furnished for or on account of any ship or vessel in this Commonwealth, such person shall have a lien upon such ship or vessel, her tackle, apparel and furniture, to secure the payment of such debt; which lien shall be preferred to all others thereon except mariners' wages, and shall continue until the debt is satisfied.

Sworn statement
of demand, etc.,
to be filed and re-
corded.

SECT. 2. Such lien shall be dissolved unless the person claiming the same shall file, within four days from the time such ship or vessel shall depart from the port at which she was when the debt was contracted, in the office of the clerk of the city or town within which such ship or vessel was at the time the debt was contracted, a statement, subscribed and sworn to by himself, or some person in his behalf, giving a just and true account of the demand claimed to be due him, with all just credits, and also the name of the person with whom the contract was made, the name of the owner of the ship or vessel, if known, and the name of the ship or vessel, or such description thereof, as shall be sufficient for identification; which statement shall be recorded by the clerk of such city or town in a book kept by him for that purpose, for which the clerk shall receive the same fees as for recording mortgages of equal length.

How lien may be
enforced.

SECT. 3. Such lien may be enforced by petition to the court of common pleas for the county where the ship or vessel was at the time the debt was contracted, or in which she may be at the time of filing the petition, in the manner provided by the fourth and subsequent sections of the one hundred and seventeenth chapter of the Revised Statutes. Such petition may be entered in court, or filed in the clerk's office in vacation, or it may be inserted in a writ of original summons, and served, returned and entered as in civil actions.

The subsequent proceedings in relation thereto shall be such as are prescribed by said one hundred and seventeenth chapter, so far as the provisions of that chapter are consistent therewith. At the time of commencing the process, or of entering or filing the petition, a process of attachment against such ship or vessel, her tackle, apparel and furniture, shall issue and shall continue in force, or may be dissolved by bond, like attachments in civil cases, but such dissolution shall not dissolve the lien. The court, before which the petition is pending may, at any time, allow either party to amend their process and pleading as in civil cases.

Attachment,
when to issue,
how dissolved,
etc.

SECT. 4. Any number of persons having liens, according to the provisions of this act, upon the same ship or vessel, may all join in the same petition or libel to enforce their respective liens; and the same proceedings shall be had in regard to the respective rights of each petitioner or libellant, and the respondent may defend as to each petitioner or libellant, in the same manner as if they had severally petitioned or libelled for their individual liens; and each petitioner or libellant so joined, may be a witness for or against his joint petitioner or libellant, but not in his own case, subject only to the same objections as would invalidate his testimony if he were not joined in such petition or libel.

Several claimants
may join in same
petition, etc.

Petitioners may
be witnesses.

SECT. 5. Whenever there shall be money due to more than one person who holds a lien upon said ship or vessel, under the provisions of this act, all parties interested having been cited to appear, answer, plead and interplead, the claims of all shall be marshalled, and the court shall make such order or decree as shall be necessary to prevent the enforcement of a double lien for the same labor, materials, stores, provisions or other articles, and to secure the just rights of all. And under the operation of this provision, the proceeds arising from the sale of such ship or vessel, after deducting all proper costs and expenses, shall be distributed among the several claimants to the amount of their respective debts: *provided*, that when such proceeds are insufficient to satisfy the liens of all, those having liens for labor shall receive a percentage on their respective claims one-third greater, as near as may be, than those having liens for materials, stores, or other articles, but no person shall receive more than is justly due him.

Proceedings in
case of several
claimants.

Distribution of
proceeds.

Proviso.

SECT. 6. This act shall not affect any contract now existing, nor any proceeding now pending; and nothing herein shall alter, or be construed to alter, or in any way affect, the lien as now existing on foreign ships and vessels; nor shall

This act not to
affect existing
contracts, etc.

any part of this act be construed to give the State courts of this Commonwealth exclusive jurisdiction on the liens created hereby; but the same may be enforced in the courts of the United States, according to the course of proceedings in such courts.

Act of 1848
repealed.₂

SECT. 7. The two hundred and ninetieth chapter of the acts of eighteen hundred and forty-eight is hereby repealed, excepting as to contracts and proceedings now existing, and pending.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1855.*]

Chap. 232

An Act to regulate the Sale of Wheat, Corn, and other Grain, and Meal.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Grain, meal, etc.,
to be sold by
weight.

SECT. 1. In all contracts for the sale and delivery of wheat, corn, rye, oats, barley, buckwheat, and ground corn or corn meal, and ground rye or rye meal, the same shall be bargained for and sold by the bushel; and a bushel of wheat shall be sixty pounds; a bushel of corn or rye shall be fifty-six pounds; a bushel of oats shall be thirty-two pounds; a bushel of barley or buckwheat shall be forty-eight pounds; and a bushel of ground corn or ground rye shall be fifty pounds.

Measurers ap-
pointed annually.

SECT. 2. For the purpose of securing the due observance of the foregoing provision, it shall be the duty of the mayor and aldermen of the several cities, and of the selectmen of the several towns in this Commonwealth, within sixty days after the passage of this act, and annually thereafter, to appoint one or more suitable persons in such city or town, to be measurers of grain; and it shall be the duty of each of the said measurers, when called upon by either of the parties to a contract for the sale of any quantity exceeding one bushel of either of the articles mentioned in the first section of this act, to ascertain the weight thereof, and to give a certificate of the number of bushels as ascertained by the weight according to the rule above prescribed.

Their duty.

Penalty for sell-
ing without
weighing, etc.

SECT. 3. If any person shall sell and deliver any quantity, exceeding one bushel of either of the articles aforesaid, without the same having been weighed by one of the public measurers appointed under this act, such person shall forfeit the sum of two dollars for every measured bushel so delivered not containing the number of pounds hereinbefore required, to be recovered by the purchaser in an action of tort.

SECT. 4. The fees of the measurer shall be prescribed Fees of measurer. by the mayor and aldermen or the selectmen of the several cities and towns in which they shall be appointed, and they shall be paid one-half by the seller and one-half by the purchaser.

SECT. 5. If any measurer appointed under this act shall use, or have in his possession with intent to use, for the purposes herein provided, any false weights, scales, balance, or other instrument for weighing, or shall collude with the purchaser or the seller with the intent to defraud the other party, or shall make and utter any false and fraudulent certificate under this act, he may be removed from his office by the mayor and aldermen or selectmen, and shall also, on conviction thereof, be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding six months in the house of correction, according to the nature and aggravation of the offence. Penalty for using false weights, etc. or giving false certificates.

SECT. 6. This act shall take effect on the first day of June next; and all other acts and parts of acts inconsistent herewith are hereby repealed. *[Approved by the Governor, April 26, 1855.]* When to take effect.

An Act authorizing the sale of Real Estate held by Married Women who are Insane, in certain cases. *Chap. 233*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. When any married woman, seized or possessed of any real estate, shall become insane, the husband of such married woman, or the selectmen of the town wherein she has her legal settlement, may petition the judge of probate within and for the county wherein she resides, setting forth the fact of her insanity and also the inability of her husband suitably to provide for her, and also that she holds the fee to certain real estate, (describing the same,) and praying that said real estate, or such parts thereof as said judge may think proper, may be sold and the proceeds thereof applied to pay the expenses of her maintenance during her insanity. Husband or selectmen may petition judge of probate, etc.

SECT. 2. Upon the presentation of a petition as provided in the preceding section, the judge of probate shall order the petitioner to give notice thereof to all persons interested, in such manner as he shall direct, that they may appear and show cause, if any they have, why the prayer of said petitioner should not be granted; and if upon such a hearing it shall Notice of petition to be given.

Judge to appoint
person to sell.

appear to said judge that such married woman is insane, and that her husband is unable suitably to provide for her, and also that the fee to said real estate is held by her, the said judge may appoint some suitable person or persons and authorize him or them to sell said real estate, or such part thereof as he shall direct, and in the manner by him directed, and to apply the proceeds of said sale to the payment of such expenses as have already accrued, and such as may thereafter accrue in the proper support and maintenance of such married woman during her insanity.

Person appointed
to give bond.

SECT. 3. The person or persons thus appointed to sell the real estate of a married woman as is provided in the preceding section, shall, before proceeding to sell the same, give a bond, approved by the judge of probate, for the faithful performance of the trust reposed in him or them. They shall also render to said judge of probate, or his successor in said office, whenever required so to do, an account, under oath, of all money received for the real estate so sold, and also of all sums paid out by him or them for her support. And upon her recovery from her insanity, or upon her death, he or they shall render to said judge a final account, including all charges and expenses in the care and management of said funds; and such balance as shall be found, upon such settlement, in his or their hands, shall be paid over forthwith to such person or persons as said judge of probate shall direct.

To render ac-
count, etc.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1855.*]

Chap. 234 An Act to incorporate the Northampton Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Duration.

Powers, privi-
leges, etc.

SECT. 1. G. D. Peck, H. H. Chilson, A. H. Bullen, Charles Smith, S. M. Smith, their associates and successors, are hereby made a corporation by the name of the Northampton Mutual Fire Insurance Company, to be established in the town of Northampton, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings and personal property against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of this Commonwealth, made or to be made, relating to such corporations.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

An Act to incorporate the American Inventors' Association.

Chap. 235

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. I. R. Howell, William H. Smith, James F. Whittemore, their associates and successors, are hereby made a corporation by the name of the American Inventors' Association, for the purpose of buying and selling patent rights for useful inventions; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and the acts in addition thereto.

Corporators.

Purpose.

Powers, duties, etc.

SECT. 2. The capital stock of said corporation shall not exceed five hundred thousand dollars.

Capital stock, \$500,000.

SECT. 3. No shares of the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued.

No shares issued under par.

SECT. 4. Whenever, upon a sale of any patent right, there shall be received, by said corporation, a sum exceeding the amount paid therefor, the inventor or inventors of said patent right shall be entitled to receive from the said corporation one-half of such excess, and the same shall be paid over to the said inventor or inventors, or to his or their legal representatives, upon demand.

Inventors to receive half of excess, etc.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

An Act concerning Loan Fund Associations.

Chap. 236

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The insurance commissioners appointed in accordance with the act passed March thirty-one, eighteen hundred and fifty-five, or any two of them, shall visit, at least once in each year, and as much oftener as they may deem expedient, every loan fund association, of whatever description, which has been, or may hereafter be, incorporated by authority of this Commonwealth, and shall have free access to their books and papers, and shall thoroughly inspect and examine all the affairs of the said companies,

Commissioners of insurance to visit loan fund associations yearly.

Proviso. and make any and all such inquiries as may be necessary to ascertain the condition of the said associations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions: *provided*, that said commissioners shall examine all loan fund associations in this Commonwealth, as soon, after this act goes into operation, as may be.

Duties, etc., of commissioners. SECT. 2. The said commissioners shall have the same powers and perform the same duties in examining the affairs of loan fund associations as they now or hereafter may have in examining insurance companies; and they shall receive the same compensation for services as is provided in the act relating to insurance companies, passed March thirty-first, in the year one thousand eight hundred and fifty-five.

Compensation. SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

Chap. 237

An Act concerning Woodlawn Cemetery and deeds of lots therein.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Woodlawn Cemetery declared a corporation.

SECT. 1. The Woodlawn Cemetery, as now established and as organized at a meeting held on the thirty-first day of August, eighteen hundred and fifty, and on other days by adjournment therefrom, is hereby declared to be a corporation and body politic, and entitled to all the rights, benefits and provisions, of the one hundred and fourteenth chapter of the acts of this Commonwealth, approved on the seventeenth day of March, in the year eighteen hundred and forty-one, and subject to the provisions contained in the by-laws of such corporation.

Rights, etc.

Trustees, etc., chosen annually.

SECT. 2. The trustees and officers of the said corporation shall usually be chosen or appointed annually, but they shall severally continue in power until removed or others shall have been chosen or appointed in their place; and the said corporation shall not be deprived of any of its corporate rights by reason of any mistake or omission in regard to its meetings, or any unintentional neglect of any officer thereof, nor shall any deed of any lot in the cemetery of such corporation be deemed invalid for any such cause, provided the same shall have been made in good faith, and sealed with the corporate seal and recorded in the books of the corporation.

Deeds of lots not deemed invalid.

SECT. 3. The clerk of the said corporation may be styled the secretary thereof, and he shall keep proper books of record, wherein shall be carefully recorded all deeds of burial lots made by the corporation; for which record the secretary shall be entitled to receive such reasonable compensation as the trustees may determine; and it shall not be necessary to record such deeds in any other registry.

Secretary to record all deeds.

Compensation.

SECT. 4. The provisions of the seventh section of the act aforesaid, approved March seventeenth, eighteen hundred and forty-one, shall apply to all the shares, property and effects of said corporation, so long as its real estate shall remain dedicated to the uses and purposes of a cemetery or burial-place for the dead.

Act of 1841 shall apply, etc.

SECT. 5. This act shall take effect from and after its passage, upon being accepted by said corporation at a meeting to be called for the purpose. [*Approved by the Governor, April 27, 1855.*]

When to take effect.

An Act to Exempt from Levy on Execution the Homestead of a Householder. *Chap. 238*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In addition to the property now exempt, by law, from sale or levy on execution, there shall be exempted, to the value of eight hundred dollars, the homestead farm or the lot and buildings thereon, occupied as a residence and owned by the debtor, or any such buildings owned by the debtor and so occupied, on land not his own, but of which he shall be in rightful possession, by lease or otherwise, he being a householder and having a family; and no release or waiver of such exemption shall be valid in law, unless by deed, for good consideration acknowledged and recorded as in the case of conveyances of real estate: *provided, however,* that no person shall hold, exempted as above, such property to a larger amount than eight hundred dollars, including the rights of exemption, which may have been acquired under the provisions of the three hundred and fortieth chapter of the acts of the year one thousand eight hundred and fifty-one.

Farm, etc., to the value of \$800, exempted from attachment.

Proviso.

SECT. 2. Such exemption shall continue after the death of such householder, for the benefit of the widow and children of the deceased party, some one of them continuing to occupy such homestead until the youngest child be twenty-one years of age, and until the death of the widow.

Exemption to continue for benefit of widow and children.

Not to apply in certain cases.

SECT. 3. No property by virtue of this act shall be exempted from levy for the taxes thereon, or for a debt contracted previous to the purchase thereof, or for any debt contracted previous to the passage of this act; nor shall buildings on land not owned by the debtor, be exempt from levy for the ground-rent of the lot of land whereon such buildings are situated.

Not to affect certain incumbrances.

SECT. 4. Such exemption shall not be deemed to defeat or otherwise affect, any mortgage or other incumbrance or lien existing by virtue of any deed, attachment, policy of insurance, or otherwise.

Conveyance not valid, unless, etc.

SECT. 5. No conveyance by the husband, of any property exempted as aforesaid, shall be valid in law unless the wife join in the deed of conveyance.

Appraisers to be appointed on levy of execution, if officer estimates the property over \$800.

SECT. 6. If any judgment creditor shall require an execution to be levied on property claimed by the debtor to be exempt from levy under this act, and the officer holding such execution shall be of opinion that the premises are of greater value than eight hundred dollars, then appraisers shall be appointed in the same manner as provided by law for the levy of execution on real estate; and the said appraisers shall set off to such debtor such portion of said premises as he may select, including the dwelling-house, as shall appear to them to be of the value of eight hundred dollars, and the residue of the property shall be appraised, and the appraisers shall deliver to the officer the appraisal of the value of said residue, and said officer shall deliver a copy thereof to the debtor or other lawful occupant of said homestead; and it shall be the right of such debtor or other lawful occupant of said premises, to pay on such execution the value of such residue, and continue to hold such homestead as provided in this act; but in case the debtor shall not make such payment within sixty days from the time of receiving such notice, then the creditor may require such residue to be sold by the officer at public auction, after duly advertising the same, and apply the proceeds to such execution.

Proceedings in case of appraisal.

Act of 1841 repealed.

Proviso.

SECT. 7. Chapter three hundred and forty of the acts of the year one thousand eight hundred and fifty-one is hereby repealed: *provided*, that such repeal shall not in any manner affect any rights which may have been acquired by any party under said act. [*Approved by the Governor, April 27, 1855.*]

An Act concerning Offences against Public Health.

Chap. 239

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If any person shall kill, or cause to be killed, Fine for selling certain meat. for the purpose of sale, any calf less than four weeks old, or shall knowingly sell, or knowingly have in his possession with intent to sell, the meat of any calf killed when less than four weeks old, such person shall be punished by fine not exceeding two hundred dollars, to be recovered by indictment in any court competent to try the same.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

An Act in addition to "An Act to incorporate the Fitchburg Railroad Company."

Chap. 240

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The location of the railroad of the Fitchburg Location confirmed. Railroad Company, and said railroad and its branches, as the same are actually laid out and constructed in the counties of Middlesex and Worcester, are hereby ratified and confirmed.

SECT. 2. In order to correct any informality or insufficiency in the location of said railroad and its several branches heretofore filed, the said corporation is hereby authorized, at any time within one year from the passage of this act, to file with the county commissioners of Middlesex and Worcester respectively, new locations of said railroad and its several branches, defining the courses, distances and boundaries of such portions thereof as lie within the said counties respectively, in conformity with the actual construction of said railroad and branches, as already built, which said new locations, when filed, shall be valid and sufficient in law, to all intents and purposes. [*Approved by the Governor, April 27, 1855.*]

An Act to incorporate the Faneuil Hall Insurance Company.

Chap. 241

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin L. Allen, Elias E. Davison, Joseph L. Corporators. Ross, their associates and successors, are hereby made a

Name. corporation by the name of the Faneuil Hall Insurance Company, in the city of Boston in the county of Suffolk, for the

Duration. term of twenty-eight years from the passing of this act, for the purpose of making maritime loans and insurance against

Powers, liabilities, &c. maritime losses and losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all acts subsequently passed relating to insurance companies.

Real estate, \$50,000. SECT. 2. The said corporation may hold, for the use of the said company, real estate not exceeding in value fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to the said company.

Capital stock, \$560,000. SECT. 3. The capital stock of the said company, exclusive of premium notes and profits arising from business, shall be five hundred thousand dollars, with liberty to commence business when the sum of one hundred thousand dollars shall have been subscribed and paid in.

When to commence business. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

Chap. 242

An Act to incorporate the Milford Aqueduct Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators. SECT. 1. Aaron Clafin, Royal Southwick, Horace B. Clafin and Samuel Daniels, their associates and successors, are hereby made a corporation by the name of the Milford Aqueduct Company, for the purpose of supplying the village of Milford with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May hold real and personal estate not exceeding \$20,000. SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars.

Corporation may convey water, etc. SECT. 3. Said corporation may take, hold and convey into the streets of said village the waters of the springs situated on the lands of the corporators about two hundred rods north-westerly of said village, and may take and hold lands necessary for laying and maintaining aqueducts, reservoirs and fountains, and may take the right to the lands on which the springs aforesaid are situated. Said corporation shall, within sixty days from the time of taking any lands or springs, file in the office of the registry of deeds for the

May take and hold land.

Description of land taken, to be filed, etc.

county of Worcester a description of the lands or springs so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which they are taken, signed by the president of said corporation.

SECT. 4. Said corporation may make aqueducts from the aforesaid sources through said village, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the waters throughout said village by laying down pipes, and may establish rents therefor—taking any lands or rights necessary and convenient for such distribution and for such reservoirs and hydrants.

Corporation may make aqueducts, reservoirs, etc.

SECT. 5. For the purpose of so distributing said water throughout the village of Milford, and making hydrants therefor, said corporation may enter upon, and dig up, any public road or way, and lay their logs or pipes therein, under the direction and by the written license of the selectmen of Milford, given at a meeting of the board, specifying each road or way and the part thereof so to be dug up, the manner of doing the same, and the time within which the same shall be done, not exceeding one year from the date of such license; and said work shall be done so as to cause the least hindrance to the travel on said roads or ways and the least inconvenience to individuals; and they shall restore said roads or ways to as good a condition as they were previously in, without unreasonable delay.

May dig up road, lay pipes, etc., by license of selectmen.

SECT. 6. If the selectmen of Milford shall unreasonably refuse or neglect to grant any such license to said corporation upon a written petition therefor, said corporation may apply for such license to the county commissioners of the county of Worcester, first giving notice in writing to a majority of said selectmen of their intended application not less than seven days previous thereto, so that said selectmen may appear, if they see fit, and object thereto; and if on such application it shall appear that said selectmen did unreasonably refuse or neglect to grant any such license, said commissioners may, if they see fit, grant the same in the manner and on the terms in which the selectmen are herein authorized to grant such license.

Commissioners may grant license if selectmen refuse, etc.

SECT. 7. Said corporation shall be liable to indemnify said town of Milford against any indictment or claim for damages, or any costs or payments therefor, and also any individuals for injuries or damages sustained by them on account of any defects of said roads or ways, or any obstructions therein, caused by the acts or neglect of said

Corporation liable for all damages, etc.

corporation or their servants—the same to be recovered in an action of tort against said corporation.

Damages, how to be ascertained, etc.

SECT. 8. All damages sustained by taking land, water, or water-rights, or by making aqueducts, reservoirs, or other works, shall be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways: and no diversion of any nature, or construction of any work by said corporation, shall be commenced until all damages shall have been ascertained or agreed upon and paid to the person or persons damaged thereby.

Fine or imprisonment for diverting water, etc.

SECT. 9. Any person who shall maliciously divert the water, or any part thereof, or the sources thereof, which shall be taken by said corporation pursuant to the provisions of this act, or who shall destroy or injure any reservoir, aqueduct, pipes, hydrants, or other property held, owned or used by said corporation for the purposes aforesaid, or who shall corrupt said waters, or render the same impure, shall pay to said corporation three times the amount of the damages so done, to be recovered by an action of tort; and any such person, on conviction of either of the malicious acts aforesaid, may be punished by a fine not exceeding one thousand dollars, or imprisonment in the house of correction not exceeding one year.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1855.*]

Chap. 243 An Act to set off from the Town of Watertown certain Land, and annex the same to the City of Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Part of Watertown annexed to Cambridge.

Boundaries.

SECT. 1. That part of the town of Watertown in the county of Middlesex containing thirty-one and fifty-three one-hundredths acres, bounded and described as follows, is set off from the town of Watertown and annexed to the city of Cambridge, to wit: Beginning on the easterly line of Coolidge Avenue at the present boundary between Watertown and Cambridge; thence south-westerly along the easterly line of said Coolidge Avenue fifteen hundred and seventy-three feet to land late of William P. Winchester; thence south-easterly and southerly and bounded by land late of said Winchester fifteen hundred and seventy feet, more or less, to Charles River; thence north-easterly and bounded

by said Charles River to the present dividing line between Watertown and Cambridge; thence northerly and westerly along said dividing line between Watertown and Cambridge to said Coolidge Avenue where the description commenced.

SECT. 2. This act shall take effect on and after its passage. [Approved by the Governor, April 27, 1855.]

An Act concerning the duties of School Committees in Signing School Returns. Chap. 244

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When the school committee of any city or town shall not be less than thirteen in number, the signature of the chairman and secretary thereof, in behalf of the committee, to the annual school returns, and to the certificate accompanying the same, shall be deemed sufficient: *provided*, said returns and certificate are executed in all other respects as required by law. Returns made valid.
Proviso.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 27, 1855.]

An Act in addition to An Act to protect the Indian Lands from Trespassers and Intruders. Chap. 245

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of the thirty-fourth chapter of the statutes of the year one thousand eight hundred and forty, are hereby extended to lands the title of which is in trustees, guardians, or agents appointed by the Commonwealth, or under the authority thereof, for the use or benefit of any tribe or body of Indians, or any individuals of such tribe or body, or their descendants. Provisions of act extended.

SECT. 2. When any person shall unlawfully enter, intrude upon, or hold any such land, it shall be the duty of the district-attorney for the district within which such land lies, to file and prosecute an information as provided in the acts aforesaid for the recovery thereof, whenever he shall have good reason to believe that the same can be recovered. District-Attorney shall prosecute intruders, etc.

SECT. 3. In case the Commonwealth shall recover possession of any such land by the proceeding aforesaid, such possession shall operate as, and be deemed in law to be, the possession of the trustees, guardians, or agents mentioned Trustees to have possession in case of recovery.

in the first section of this act, if there be any such trustees, guardians or agents living; and if not, the Commonwealth shall hold the same upon and for the uses and trusts aforesaid until others are duly appointed. [*Approved by the Governor, April 27, 1855.*]

Chap. 246 An Act to incorporate the Ocean Mutual Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators. **SECT. 1.** John Adams, Frederick Nickerson, Benjamin G. Boardman, Jr., and their associates and successors, are hereby made a corporation for the term of twenty-eight years, by the name of the Ocean Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses and losses by fire, upon the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, in the four hundred and fifty-third chapter of the acts of the year one thousand eight hundred and fifty-four, entitled "An Act concerning Insurance Companies," and in all general laws which may hereafter be passed relating to mutual insurance companies, so far as the same may be applicable to the corporation hereby created.

Duration.

Name.

Powers, privileges, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1855.*]

Chap. 247 An Act concerning the Assessment of Damages for Mortgaged Land taken for Railroads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Damages assessed on petition, for mortgaged lands taken by railroads. **SECT. 1.** If any land which has been or shall be taken by any railroad company, for the purposes of their railroad, under and in pursuance of their act of incorporation, was or shall be at the time of such taking under mortgage, then and in all such cases it shall be lawful for the mortgagor and mortgagee, or either, to petition for the assessment of damages, in the same manner, and to the same tribunal, as the owner of the fee of such land might do if it were unincumbered; and thereupon the like proceedings shall be had as are now had in the case of the application of an owner

of unincumbered land for the assessment of damages caused by the location of a railroad over such land: *provided, however*, that in any such petition the fact that the land taken is subject to mortgage shall be stated; and if such application is made by either said mortgagor or mortgagee separately, the tribunal to which the petition shall be presented shall order the petitioner to give notice thereof to the other parties interested as mortgagors and mortgagees, by serving each of them, fourteen days at least before the time appointed for a hearing on said petition with an attested copy of said petition and the order thereon, that the other parties may, if they see cause, appear at said hearing, and become parties to said proceedings under said petition.

Proviso.

SECT. 2. In the assessment of damages in any proceedings, under this act, the estate of the mortgagor and mortgagee in the premises taken by the railroad company shall be deemed and treated as one entire estate, and the damages which may be assessed shall be in one sum for such estate.

Same subject.

SECT. 3. If the mortgagee shall at any time become a party to any proceedings under this act, the amount of damages which may be assessed thereon shall be directed to be paid to such mortgagee, and judgment shall be entered accordingly: *provided, however*, that if the mortgage debt shall be paid, or the mortgage shall be in any way discharged, previously to the final judgment which may be rendered in said proceedings, then such damages shall be directed to be paid to the mortgagor: and *provided, further*, that if the amount of damages assessed shall exceed the amount of the mortgage debt, principal and interest, then only so much of said damage as will equal the amount of such mortgage debt, principal and interest, shall be directed to be paid to the mortgagee, and the balance shall be directed to be paid to the mortgagor; and thereupon separate judgments shall be entered in favor of each party for the respective amounts directed to be paid to them: and *provided, also*, that any judgment rendered in favor of any mortgagee, under and in pursuance of the provisions of this act, shall be held by such mortgagee in trust, to apply the proceeds thereof, when collected, to the payment of the mortgage debt, and that when the same shall, in any way be fully satisfied, then that such judgment and the proceeds, or so much of the proceeds thereof as shall then remain, shall be by such mortgagee assigned or paid over to the mortgagor or his legal representatives.

Amount of damages assessed, to be paid to mortgagee, if, etc.

Proviso.

Provided, further

Provided, also.

Mortgagee to retain right to collect, etc.

SECT. 4. Any mortgagee who shall become party to any proceedings under this act shall retain all the rights which he would otherwise have to collect the mortgage debt, and enforce his claims under the mortgage and against the mortgagor, and nothing herein contained shall impair any of such rights.

Security to be given by corporation for damages, etc., if required.

SECT. 5. Every railroad company shall be required to give security for the payment of all such damages and costs as may be awarded for the entire estate of the mortgagor and mortgagee in the premises, in accordance with the provisions of the sixty-first section of the thirty-ninth chapter of the Revised Statutes, upon the request of any person party to any petition filed under this act, or any proceedings thereunder; and upon such security being ordered to be given, each and every person party to any such petition or proceedings, shall have all the rights and remedies for the enforcement of the same which he would have were such estate unincumbered, and he the owner thereof.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1855.*]

Chap. 248

An Act to incorporate the Neptune Submarine Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William Wetherbee, C. J. Hendee and D. A. Simmons, their associates and successors, are hereby made a corporation by the name of the Neptune Submarine Company, for the purposes of recovering wrecked and sunken property; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, etc.

Capital stock.
\$150,000.

No shares to be issued under par.

Proviso.

SECT. 2. The capital stock of said corporation shall not exceed in amount one hundred and fifty thousand dollars; and no shares of the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued: *provided*, that fifty thousand dollars of said capital shall be actually paid in in cash within one year after the passage of this act. [*Approved by the Governor, April 28, 1855.*]

An Act concerning Arrest in Cases of Tort.

Chap. 249

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall be arrested on mesne process in any action of tort unless the plaintiff in said action, or some person in his behalf, shall make oath to the satisfaction of some disinterested justice of the peace that he believes, and has reason to believe, that he has a good cause of action against the defendant, that he has a reasonable expectation of recovering a sum equal at least to one-third the damages claimed in the writ, and that he has reason to believe that the defendant is likely to remove beyond the jurisdiction of the court to which the writ is returnable, so that execution, if obtained, cannot be served upon him, and such affidavit shall be endorsed on or attached to the writ with a certificate of the justice that he is satisfied of the truth thereof. The fee of the justice for such examination shall be one dollar, which shall be paid by the plaintiff before his examination, and shall be taxed as a portion of his costs if the certificate is granted, and if the plaintiff prevails in his action.

Plaintiff to make oath, etc.

Justice to certify, etc.

Fee paid by plaintiff.

SECT. 2. No arrest on mesne process shall be made in any action brought for slander, or in any civil suit for libel.

No arrest for slander or libel.

SECT. 3. Chapter sixty-three of the acts of eighteen hundred and fifty-four is hereby repealed.

Act of 1854 repealed.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 28, 1855.]

An Act to authorize J. and B. Lewis to construct a Railroad Track in the Town of Provincetown. Chap. 250

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. J. and B. Lewis, proprietors of a wharf in the town of Provincetown, for the purpose of facilitating the transportation of sand to said wharf, are hereby authorized to construct and maintain a railroad track across a public street adjoining said wharf, between such points and in such direction as shall be approved by the surveyors of highways of said town of Provincetown.

Railroad track in Provincetown.

SECT. 2. A good and sufficient crossing at said street or highway, for teams and carriages, shall be maintained by the

Crossing to be maintained.

said J. and B. Lewis, and in arranging the same they shall be subject to such rules and requirements as by the said surveyors of highways of the town of Provincetown may be deemed reasonable and necessary. [*Approved by the Governor, April 28, 1855.*]

Chap. 251

An Act to incorporate the Boston Veterinary Institute.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Powers, privileges, etc.

Real and personal estate, \$25,000.

SECT. 1. George H. Dadd, David Roberts, Jonas Chapman and John P. Jewett, their associates and successors, are hereby made a corporation by the name of the Boston Veterinary Institute, to be established in the city of Boston, in the county of Suffolk; and they shall be invested with the same powers and privileges, and subject to the same duties, restrictions and liabilities, as other universities, and as set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold real and personal estate to the amount of twenty-five thousand dollars, to be devoted exclusively to the purpose of veterinary education, and for the support of an infirmary for the treatment of horses, cattle and other domestic animals. [*Approved by the Governor, April 28, 1855.*]

Chap. 252

An Act to authorize Samuel Hall to extend his Wharf in East Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend wharf.

Rights, etc.

Proviso.

Samuel Hall, proprietor of a wharf and flats situate on Border Street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of J. P. Woodbury and Henry Jones, is hereby authorized to extend and maintain his wharf into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the ends and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to

the said commissioners' line: and *provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in nowise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, April 28, 1855.*]

Provided, also.

An Act in relation to the Charles River Bridge and the Warren Bridge. *Chap. 253*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Charlestown is hereby authorized and empowered, upon the terms and conditions in this act contained, to assume the exclusive ownership, control and charge of the Charles River Bridge and the Warren Bridge.

Charlestown to assume control of bridges.

SECT. 2. Upon the assumption of such ownership, control and charge, said city of Charlestown shall give its bond to the Commonwealth, the form and substance thereof to be approved by the attorney-general, with condition that the said city shall always perform all the duties, and meet all the liabilities, in relation to said bridges, that are named in the third section of the act establishing the Warren Bridge Corporation, passed on March twelfth, eighteen hundred and twenty-eight; and further, that said city shall forever keep and maintain said bridges as public avenues, free from all expense and cost to the Commonwealth, and do all other things required by this act to be done by said city.

To give bond to Commonwealth.

SECT. 3. The bond named in the preceding section shall be made and executed by the mayor of said Charlestown on the behalf and in the name of said city.

SECT. 4. Upon the delivery of such bond, the governor shall, in the name and on behalf of the Commonwealth, make, execute and deliver, a good and sufficient instrument to said city, to be approved by the council, surrendering to the city of Charlestown all the right, title and interest of the Commonwealth in and to said Charles River Bridge and Warren Bridge, to the materials of which they are constructed, and the franchise or right to take tolls originally granted to the proprietors thereof, (except so far as the same is modified and controlled by this act,) and all things pertaining to said bridges belonging to the Commonwealth.

Governor and Council to execute instrument of conveyance, etc.

City to complete
repairs.

SECT. 5. Said city shall thereupon carry forward and complete the rebuilding and repairs of said bridges to the same extent as was provided for in the act passed on April twenty-ninth, eighteen hundred and fifty-four, relative to said bridges.

Liability of
Charlestown.

SECT. 6. After such conveyance shall have been made, the said city of Charlestown shall be liable for damages that may be incurred by reason of any defect in said bridges, or either of them, in the same manner and to the same extent as towns and cities are now liable for defects in townways; and in all respects said bridges shall be held to be townways in the city of Charlestown, so far as such construction may be consistent herewith; but the city of Boston shall keep in repair all that part of Warren Bridge connected with the water-works of said city, and shall be liable for any damages arising from any defect in, or accident to, said works.

Liability of
Boston.

Rates of toll.

SECT. 7. Hereafter the following tolls shall be collected on said bridges, viz.: For each person on foot, one cent; for each wheelbarrow, handcart or sled, and one person, two cents; for each chaise, buggy, rockaway, carryall, sulky, or covered wagon, and all other vehicles for passengers drawn by one horse, and having one seat therein, five cents; for each cab, chaise, buggy, rockaway, carryall, or other vehicle for passengers with two or more seats, and drawn by one horse, eight cents; for each coach, stage, carryall, rockaway, and all other vehicles for passengers, and drawn by two horses, (except omnibuses,) ten cents; for each additional horse to any of the vehicles before named, two cents; for each truck, cart, wagon, or other vehicle drawn by one horse or other beast, five cents; for each horse with rider, three cents; for each omnibus, truck, cart, or other vehicle, not hereinbefore described, and drawn by two horses or other beasts, eight cents; for each additional horse or other beast to the last-named vehicles, two cents; for each carriage or other vehicle attached to any other vehicle and drawn by it, two cents; for neat cattle, two cents per head; for sheep and swine, one-half cent per head; and only one person shall be suffered to pass free of toll as driver of any team.

Bridges, when to
be declared free.

SECT. 8. Upon assuming control of said bridges as herein provided, said tolls shall be levied and collected by said city of Charlestown until a sum shall be raised equal to the amount expended in rebuilding and repairing said bridges, to the current expenses of said bridges while such repairs are being made, and to the sum of one hundred thousand

dollars additional thereto, exclusive of all expenses, costs and charges for or on account of said bridges before that time accrued or expended; after which time the said bridges shall forever be kept free from tolls, and maintained at the expense of the said city of Charlestown.

SECT. 9. If, at the time this act takes effect, there shall be in the treasury of the Commonwealth, or in the hands of the agent of said bridges, or elsewhere, any moneys or other things belonging to said bridges, the same shall be accounted for, paid over and delivered to the city of Charlestown; and all claims against said bridges unsettled at the time this act takes effect shall be adjusted and paid by said city of Charlestown.

Charlestown to receive moneys and adjust claims

SECT. 10. The management and control of said bridges shall be exercised by the city council of said city of Charlestown, which may make such rules and regulations in relation thereto, and provide for the appointment of such agents and officers to carry out the provisions of this act, and make such investment and disposal of the funds realized from said tolls, as may be deemed expedient.

Charlestown to establish rules and regulations, etc.

SECT. 11. The seventh section of this act shall take effect on and after its passage; but the other sections thereof shall not take effect unless the inhabitants of said Charlestown, qualified by law to vote in city affairs, shall accept the same at meetings held in the various wards of said city in the months of April or May, in the year eighteen hundred and fifty-five; said meetings to be called by the mayor and aldermen, and warned at least seven days before the day when said meetings are held. And if said inhabitants shall accept this act at such meetings, it shall take effect on the first day of June next; but otherwise it shall have no effect, but become void. And in case it shall be so accepted, it shall be the duty of the mayor of said Charlestown to notify the governor thereof, in writing, immediately.

When and how to take effect.

SECT. 12. All acts inconsistent herewith are hereby repealed. [Approved by the Governor, April 28, 1855.]

Inconsistent acts repealed.

An Act in addition to an Act to incorporate the Chelsea Savings Bank. *Chap. 254*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The act entitled "An Act to incorporate the Chelsea Savings Bank," is hereby amended by adding the following words to the second section of said act, to wit: Whenever

Act amended.

any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance, of such minor, shall be as valid as if the same was executed by a guardian of such minor or the said minor was of full age, if such deposit was made personally by said minor. [*Approved by the Governor, April 28, 1855.*]

Minor's receipt
valid.

Chap. 255 An Act to authorize Stephen S. Stone to extend his Wharf in Chelsea.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend
wharf.

Rights, etc.

Proviso.

Provided, also.

Stephen S. Stone, of Boston, is hereby authorized to extend his wharf, in the town of Chelsea, from Marginal Street to the line established by "An Act to preserve that part of the Harbor of Boston called Chelsea Creek, and to prevent encroachments therein," passed in the year one thousand eight hundred and forty-nine; and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: and *provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 28, 1855.*]

Chap. 256 An Act in amendment of "An Act concerning Public Schools," passed March twenty-fifth, eighteen hundred and forty-five.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Admission of
scholars to public
schools.

SECT. 1. In determining the qualifications of scholars to be admitted into any public school or any district school in this Commonwealth, no distinction shall be made on account of the race, color or religious opinions, of the applicant or scholar.

SECT. 2. Any child who, on account of his race, color or religious opinions, shall be excluded from any public or district school in this Commonwealth, for admission to which he may be otherwise qualified, shall recover damages therefor in an action of tort, to be brought in the name of said child by his guardian or next friend, in any court of competent jurisdiction to try the same, against the city or town by which such school is supported.

Damages for exclusion, in certain cases.

SECT. 3. In filing interrogatories for discovery in any such action, the plaintiff may examine any number of the school committee, or any other officer of the defendant city or town, in the same manner as if he were a party to the suit.

School committee, etc., may be examined.

SECT. 4. Every person belonging to the school committee, under whose rules or directions any child shall be excluded from such school, and every teacher of any such school, shall, on application by the parent or guardian of any such child, state in writing the grounds and reasons of such exclusion.

Reasons for exclusion to be in writing.

SECT. 5. This act shall take effect from and after the first day of September next. [*Approved by the Governor, April 28, 1855.*]

An Act concerning Burials and Burying Grounds.

Chap. 257

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city and town in the Commonwealth shall provide one or more suitable places for a burial ground, within which the bodies of persons dying within their respective limits may be interred.

Burial grounds to be provided.

SECT. 2. No land other than that now used or appropriated in any city in this Commonwealth for the purpose of a burial ground shall be used by any person or persons for the burial of the dead, unless permission is granted by the mayor and aldermen of such city.

Restriction as to cities.

SECT. 3. No land other than that now used or appropriated in any town in this Commonwealth for the purpose of a burial ground shall be used by any person or persons for the burial of the dead, unless permission is granted by the town.

Same as to towns

SECT. 4. For every interment made in violation of sections two and three of this bill, the owner or owners of the land so used shall forfeit not less than twenty dollars, nor more than one hundred dollars, to be recovered by indictment.

Forfeited for violation, etc.

ment for the use of the city or town in which such interment is made; but this section shall be of no effect until such city or town shall have complied with the sixth section of this act.

Board of health to establish penalties for violating regulations, etc.

SECT. 5. Boards of health in any town or city in this Commonwealth shall have the power to establish such penalties for the violation of any regulations for the interment of the dead, and respecting burying grounds made by said boards under authority of the seventh section of the twenty-first chapter of the Revised Statutes, as they may think proper. And the board of health of any city or town is hereby authorized to forbid the use of tombs by undertakers as places of deposit for bodies committed to them for burial, for the purpose of speculation: *provided, however*, that no one penalty for any one violation shall exceed one hundred dollars.

Proviso.

Notice of penalties established to be published.

SECT. 6. The same notice shall be given of any penalties established under authority of the foregoing section as is prescribed for giving notice of the regulations for the interment of the dead and respecting burial grounds in the eighth section of the twenty-first chapter of the Revised Statutes; and such notice of such penalties shall be deemed legal notice to all persons.

Appeal allowed from decision of board of health.

SECT. 7. Whenever the board of health in any town or city of this Commonwealth shall order any burial ground, tomb or tombs, or cemetery, to be closed which has heretofore been established, approved or used, and forbid the same to be thereafter used for the purpose of interment, any person or persons owning any tomb or tombs therein, aggrieved or injured by such order, may appeal from the decision or action of the said board of health—notice of such appeal to be given to the said board of health fourteen days previous to the entry of the appeal in court; and said appeal must be entered, within six months from the date of the publishment of the order of said board of health, in the court of common pleas which may be holden in the county in which such burial ground, tomb or tombs, or cemetery, may be situated: *provided*, that the order of said board of health shall be obeyed until a legal decision on such appeal shall be obtained. Said appeal shall be tried in regular course and before a jury of said court; and in case the jury shall find that any of the tombs so closed in said burial ground or cemetery were not a nuisance and were not injurious to the public health at the time said tombs, burial ground or cemetery, were so closed, then the judgment of

Proviso.

Trial of appeal.

the court shall be given to rescind the order of the board of health so far as it covers or relates to the tomb or tombs, cemeteries or burial grounds, which were found not to be a nuisance or injurious to public health; and the costs of such appeal shall in such cases be paid out of the treasury of the town or city in which such tomb or tombs, burial grounds or cemetery, lie, and execution therefor shall issue in favor of the appellant or appellants. But if the verdict of the jury shall sustain the order of the board of health, then an execution shall issue for double costs against the appellant or appellants, in favor of said board of health, but for the benefit of such town or city.

SECT. 8. Any person or persons who shall wrongfully deface or injure any public or private burial ground, or any walls, fences, monuments, trees, plants, walks, or other appurtenances thereto, or throw any rubbish or offensive matter into, or commit any nuisance within any such burial ground, or in any wise desecrate or disfigure the same, shall be liable for every such trespass to a penalty of not less than five, nor more than one hundred dollars, to be recovered by complaint before any justice of the peace or police court, within whose jurisdiction the offence may have been committed, or by indictment before any court competent to try the same; and one-half of said penalty shall go to the Commonwealth, and the other half to the county in which the offence may have been committed; and it shall not be necessary to prove the title to the land in order to sustain the prosecution, but proof of use and occupancy for the purposes of a burial ground shall be sufficient.

SECT. 9. No burial ground, tomb or cemetery, shall be closed by order of the board of health of any city or town for a longer time than one month, except after notice given to at least one owner of each of the tombs intended to be closed, or, in case of burial grounds or cemeteries, to three proprietors, if there be so many, of the time and place of the hearing upon the question of closing the same; and such notice shall also be published in two newspapers printed in the county, if there be so many, for two weeks preceding said hearing.

SECT. 10. This act shall take effect from and after its passage: *provided, however*, that where any burial ground, cemetery or tomb, has been closed by the order of any board of health since January first, eighteen hundred and fifty-three, the appeal may be claimed as herein set forth any time within six months next after the passage of this act;

Penalty for trespass, etc., in any burial ground.

How recovered.

Closing of burial grounds, etc.

Notice to be published.

When to take effect.
Proviso.

but nothing in the foregoing sections of this act shall prevent the inhabitants of any town in this Commonwealth from using or erecting a tomb upon their own land for the exclusive use of their own family.

Inconsistent acts repealed.

SECT. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, April 30, 1855.*]

Chap. 258 An Act concerning the Middleborough and Taunton Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for completion extended.

The time for completing the Middleborough and Taunton Railroad is hereby extended for one year from the first day of September eighteen hundred and fifty-five. [*Approved by the Governor, May 2, 1855.*]

Chap. 259 An Act to authorize the Fitchburg Railroad Company to widen and make solid a Bridge between Somerville and Charlestown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bridge widened.

SECT. 1. The Fitchburg Railroad Company are hereby authorized to render their long railroad bridge over Miller's River, between Charlestown and Somerville, more safe and convenient, by widening the same to the full width of five rods, from its western terminus in Somerville to the Eastern Railroad, and may widen the same and locate and construct the new part thereof upon and over the several tracts or parcels of land hereinafter specified, which they may take and hold for the above purposes, viz.: A certain tract or parcel of flats, ten rods in width, situate on the north side of their said railroad bridge, parallel and adjacent to the northerly line of said company's present location, extending easterly through flats of the heirs of Joy and others, from the line of the estate of the McLean Asylum, to the westerly line of the Eastern Railroad. Also a certain tract of flats, twenty-two and a half feet in width, situate on the south side of said company's railroad bridge aforesaid, parallel and adjacent to the southerly line of said company's present location, extending through flats of the McLean Asylum, from the westerly end of said railroad bridge, to the line of the heirs of the Joy estate. Also a certain other tract or parcel of flats, thirty-two

Boundaries.

and one-half feet in width, situate on the south side of said company's railroad bridge aforesaid, parallel to and adjacent to the northerly line of the present location of said company, extending through flats of the heirs of Joy and others, from the westerly line of the heirs of Joy estate, to the westerly line of the Eastern Railroad.

SECT. 2. Said company are hereby authorized to fill up Bridge made solid and made solid their bridge thus widened, from the western terminus thereof to the western line of the Eastern Railroad—leaving, however, in addition to a passage-way of at least two hundred feet wide between the western line of said eastern railroad and the Charlestown shore, a passage-way in the channel of Miller's River where it passes under such bridge, at least twenty-four feet wide, for the convenient passage of water and boats; and said company shall open a trench for drainage, at least six feet wide and four feet deep, parallel to and near their northern wall, from their western terminus to the Eastern Railroad, and shall erect substantial stone walls on each side of said bridge.

SECT. 3. Said company shall place their main passenger Location of track, etc. track near the centre of said bridge, and no part of said bridge shall exceed five rods in width.

SECT. 4. Said company shall, with respect to the land Rights, duties, etc. hereby authorized to be taken and filled up, enjoy all the rights and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes relating to railroad corporations, and in all general statutes that have been or shall be passed relating to railroad corporations. [*Approved by the Governor, May 2, 1855.*]

An Act authorizing the Shawmut Sugar Refining Company to increase their Capital Stock. Chap. 260

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Shawmut Sugar Refining Company are Capital stock increased \$100,000. hereby authorized to increase their capital stock one hundred thousand dollars.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 261 An Act to authorize William H. Knowlton to build a Wharf or Wharves in the Town of Rockport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Rock-
port.

SECT. 1. William H. Knowlton is hereby authorized to build and maintain a wharf or wharves, from his land, on the western and south-western side of Rowe's Cove, in Rockport, in the county of Essex, towards a breakwater now in progress and designed and authorized to be built from land of Eames Stimson and Company, in said Rockport, which breakwater is to run in a direct line to Knowlton's Ledge, near Knowlton's Point, in said Rockport; but said wharf or wharves shall be inclosed with regular walls of stone, and shall not approach in any place within three hundred feet of the inner side of the base and contemplated base of said breakwater, which base is to be one hundred and fifty feet in width; and the said Knowlton is authorized to build, at low-water mark or above low-water mark, a faced stone wall around his point at the entrance of said cove or harbor, but said wall shall not be carried at any place beyond low-water mark, and the said Knowlton shall not deposit or allow to be deposited any loose stones in any part of the harbor to be formed by said breakwater.

Inclosed with
stone walls.

Rights, etc.

SECT. 2. Said Knowlton may lay vessels at his said wharf or wharves, or landings, and receive wharfage and dockage and discharge therefrom.

Legal rights not
impaired.

SECT. 3. This act shall in no case affect the legal rights of any person or corporation whatever. [*Approved by the Governor, May 2, 1855.*]

Chap. 262 An Act to establish a Fire District for the Village of Shelburne Falls.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fire district es-
tablished.

SECT. 1. The inhabitants of the village of Shelburne Falls, situate in the towns of Buckland and Shelburne, in the county of Franklin, including so much of the territory of the town of Buckland as lies within the present limits of school district number three, and so much of the territory of Shelburne as lies within the present limits of school district number nine, resident in said territory, and qualified to vote in town affairs in their respective towns, at a meeting thereof held for that purpose, and called as hereinafter provided,

Boundaries.

may establish a fire department for said territory or district, the officers of which shall have charge of, and be responsible for, all the engines and apparatus for the extinguishment of fires within said district, in the same manner as the firewards and enginemen of towns now are.

SECT. 2. The inhabitants of said district, qualified as aforesaid, at their first meeting called and notified as hereinafter provided, shall choose a clerk, prudential committee, assessors, treasurer, collector, a chief engineer, and assistant engineers, all of which shall be sworn in due form of law to the faithful discharge of the duties of their respective offices, and the assessors shall take the oath required to be taken by the assessors of towns, which oaths shall be administered by the moderator of the meeting of said district, or by a justice of the peace, and the same shall be duly recorded; all the above named officers shall hold their respective offices for one year, and until others are chosen and qualified in their stead.

Officers to be chosen and sworn.

Oath of assessors, etc.

SECT. 3. The first meeting of said district shall be called by Carver Hotchkiss, William Sherwin, William T. Clement, Jarvis B. Bardwell and Newell Snow, by publishing a notice thereof in the American Republic, a newspaper published at Greenfield, in said county of Franklin, and posting up two notifications thereof at two public places within said district, said notice to be published and said notifications to be posted up at least seven days before the day appointed for said meeting, and to set forth the time, place and purposes of the meeting.

First meeting, how called.

SECT. 4. All subsequent meetings shall be called according to the provisions of "An Act establishing Fire Departments and Fire Districts," passed in the year one thousand eight hundred and forty-four, chapter one hundred and fifty-two.

Subsequent meetings.

SECT. 5. The assessors chosen as aforesaid shall assess and apportion all and singular such sums of money voted to be raised by said district for the maintenance of said fire department, upon all the polls and estates within said district, and in making such assessments shall observe and conform to the requirements of law obligatory upon assessors of towns; and they shall have all the power and authority conferred upon town assessors. The list of taxes made by the assessors as aforesaid shall be committed to the collector of said district, with a warrant of distress in due form of law, for collecting the same; and the said collector shall observe all the rules and regulations, and have all the au-

Assessment of taxes.

Duty of collector.

thority conferred by law upon collectors of taxes for towns, and said collector shall pay over all moneys so collected to the treasurer, who shall hold the same subject to the order of the prudential committee.

Former acts binding, etc.

SECT. 6. All the provisions of the act referred to in section four of this act, and all the provisions of any and every act passed subsequent to the said general act, and relating to the same subject, not inconsistent with the foregoing provisions, shall be binding upon the inhabitants of said district; and the chief engineer and the assistant engineers shall possess the same power and authority as are therein delegated, and they, together with all of the other members of said fire department, shall be entitled to the same privileges and immunities.

Powers, etc., of engineer.

Exempt from the support of other fire departments.

SECT. 7. The inhabitants of said district, so long as they shall maintain a sufficient fire department therein for the reasonable protection of the inhabitants and property within said limits from fire, shall be exempt from taxation in the respective towns to which they belong, for the maintenance and support of other fire departments in said towns.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 263

An Act concerning the Beverly Steam Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

Capital reduced to \$100,000.

SECT. 1. The name of the Beverly Steam Manufacturing Company is hereby changed to the Beverly Rubber Company, and said company are authorized to reduce their stock to one hundred thousand dollars, and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 264

An Act to amend the ninety-seventh Chapter of the Revised Statutes relating to the Exemption of Personal Property of the Debtor from Levy on Execution.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tools, etc., exempt from levy on execution.

SECT. 1. The twenty-second section of the ninety-seventh chapter of the Revised Statutes is hereby so amended as to exempt from levy on execution the tools and implements,

materials, stock and fixtures of the debtor, necessary for carrying on his trade or business, also the books in the library of a family, student, or professional man, to an amount not exceeding five hundred dollars in value.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. *[Approved by the Governor, May 2, 1855.]* Inconsistent acts repealed.

An Act concerning Bail in Criminal Cases.

Chap. 265

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The twenty-second section of the one hundred and thirty-fifth chapter of the Revised Statutes is hereby so far amended that no person committed to jail without an order of court fixing the amount of the recognizance shall be admitted to bail until reasonable notice of his application shall have been given to the officer by whom he was committed. And after such notice has been given, any person committed for a bailable offence, whether on a warrant or without one, may be admitted to bail by the magistrates mentioned in said section. Prisoners, by whom let to bail.

SECT. 2. Such persons as are committed to jail on the Lord's day, or on the evening or afternoon preceding, may be admitted to bail on the Lord's day, when in the opinion of the magistrate an application on that day shall appear to be proper. Bail on the Lord's day.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, May 2, 1855.]*

An Act to amend the Charter of the Lexington and West Cambridge Railroad Corporation.

Chap. 266

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Lexington and West Cambridge Railroad Corporation may enter upon the Fitchburg Railroad, in the city of Cambridge, and use the same, or any part thereof, according to the provisions of law. *[Approved by the Governor, May 2, 1855.]* Charter amended

Chap. 267 An Act to set off a part of the Town of Dorchester and annex it to the Town of Quincy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of Dorches-
ter annexed to
Quincy.

So much of the town of Dorchester, with the inhabitants thereon, as lies on the south-easterly side of Neponset River, near to and at the place called Squantum, and including the estates now owned or occupied by George B. Billings, Edmund Pope, and George W. Billings, is hereby set off from said Dorchester and annexed to the town of Quincy: *provided, however*, that the inhabitants and land thus set off shall be holden to pay all taxes heretofore assessed in the same manner as if this act had not passed. [Approved by the Governor, May 2, 1855.]

Proviso.

Chap. 268 An Act to authorize Samuel Obear and Richard J. Preston to extend their Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend
wharf.

SECT. 1. Samuel Obear and Richard J. Preston, proprietors of a wharf in the harbor of the town of Beverly, are hereby authorized to extend and maintain their wharf one hundred feet into the said harbor, (or three hundred feet from the line of the county road,) in the direction of the eastern line of said wharf, and not to exceed sixty feet in width, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, that this grant shall not be construed to extend to any flats or land belonging to this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued: and *provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any other person. [Approved by the Governor, May 2, 1855.]

Rights, etc.

Proviso.

Provided, also.

An Act to establish the Milford and Woonsocket Railroad Company. *Chap. 269*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Orison Underwood, Dwight Colburn, and Sullivan Ballou, their associates and successors, are hereby made a corporation by the name of the Milford and Woonsocket Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and to all general laws which have been, or shall hereafter be passed relative to railroad corporations.

Corporators.

Name.

Powers, duties, etc.

SECT. 2. Said corporation is hereby authorized and empowered to construct and maintain a railroad with one or more tracks from some convenient point in the town of Milford, or from some point on the Milford Branch Railroad in said Milford, thence through the southerly part of said Milford, through the westerly part of the town of Bellingham, to some point on the Charles River Railroad near the centre of said town of Bellingham, and to enter with their railroad by proper turnouts and switches upon the said Milford Branch Railroad and the said Charles River Railroad at the several points aforesaid, and to use the same, or any part thereof, according to the provisions of law.

Location.

SECT. 3. The capital stock of said corporation shall not exceed five hundred shares, of one hundred dollars each, the number of which shall be determined from time to time by the directors of said corporation; and the said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Capital stock, 500 shares of \$100 each.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares issued under par.

SECT. 5. If the location of the said railroad be not filed within two years, or if the road be not completed with at least one track within three years, from the passage of this act, this act shall be void.

Location, etc., when void.

SECT. 6. The said corporation are hereby authorized to lease their railroad to the Charles River Railroad Company, or to the New York and Boston Railroad Company, if said Charles River Railroad Company and said New York and

May lease to, or unite with, other railroads.

Boston Railroad Company shall become one corporation, or to unite themselves with the said Charles River Railroad Company, or with the said New York and Boston Railroad Company, if said Charles River Railroad Company and said New York and Boston Railroad Company shall become one corporation, upon such terms as shall be agreed upon, whenever a majority in interest in each of such corporations shall, by a vote at meetings called for the purpose, decide so to unite. And when such votes shall have been passed by said corporations, they shall thereupon become one corporation, under such name as after such union shall be adopted; and all the franchises, property, powers and privileges now enjoyed by, and all the restrictions, liabilities and obligations imposed upon, such corporation or corporations by their respective charters, shall appertain to such united corporation in the same manner as if the same had been contained in, or acquired under, an original charter.

May be used by
other roads.

SECT. 7. The legislature may authorize any corporation to enter with another railroad upon the said railroad at any point thereof, and use the same according to law.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 270 An Act in addition to "An Act to establish a Police Court in the City of Lawrence."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary of stand-
ing justice.

SECT. 1. The standing justice of the police court of the city of Lawrence shall receive an annual salary of not less than thirteen hundred dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year, by the concurrent vote of the two branches of the city council of said city, and said salary shall be paid to him in equal quarterly payments, out of the treasury of said city, and shall be in full for all services which he now is, or hereafter may be, required to perform as said justice. The special justices of said court shall receive from said treasury three dollars per day, for each day's service by them performed in said court. But neither the standing justice, nor either of the special justices of said court, shall hereafter have authority to hear complaints or issue warrants in criminal cases returnable before said court.

Salary of special
justices.

SECT. 2. The mayor and aldermen of said city shall forthwith, and hereafter, when a vacancy shall occur, appoint a suitable person who, at the time of his appointment shall be a justice of the peace within and for the county of Essex, to be clerk of said court, who shall hold his office three years, or until another is appointed in his place, unless sooner removed by the mayor and aldermen of said city; but he shall hold his office no longer than he continues to be a justice of the peace; and in case of the absence or death of said clerk, the standing justice may appoint a clerk *pro tempore*, who, at the time of his appointment shall be a justice of the peace within and for said county, and who shall be paid for his services two dollars per day, to be deducted from the salary of the standing clerk. The standing justice shall be responsible for the official acts and doings of said temporary clerk, who shall officiate till the standing clerk shall resume his duties, or until another clerk shall be duly appointed.

Appointment of clerk.

Clerk, pro tem.

SECT. 3. The clerk shall be sworn to the faithful performance of his duties, and shall give a bond to said city in such sum as the mayor and aldermen shall from time to time order, with sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office.

Clerk to be sworn and give bond.

SECT. 4. The clerk shall attend all sessions of said court, whether for the transaction of criminal or civil business, and shall keep a record of all the proceedings of said court; and the record of the civil and criminal business shall be kept in separate books.

To keep record of proceedings, etc.

SECT. 5. The clerk, as a justice of the peace, shall receive and hear all complaints, and issue all warrants and processes in all criminal matters which come before said court, and shall make the same returnable thereto. The said clerk shall tax all bills of costs, receive all fines, forfeitures and fees awarded and payable in said court, and all fees for blanks and copies in civil and criminal suits, which the judge thereof now by law receives; which fines, forfeitures and fees, together with the fees for receiving complaints and issuing warrants, he shall account for, and pay over to the treasury of said city quarterly. All writs and processes, whether civil or criminal, issuing from said court, except the complaints, warrants and processes in criminal matters, as before provided, shall be under the seal of said court, signed by the clerk, and shall bear test of the standing jus-

Duties of clerk.

tice, or if he is a party thereto, of either of the special justices not interested in the matter.

Same subject.

SECT. 6. The clerk shall also, whenever no other counsel shall be employed on the part of the Commonwealth, examine the witnesses in criminal prosecutions, and conduct the cause on the part of the government, and he shall receive, in full compensation for all his services under this act, as justice of the peace or as clerk, except for such copies as he is not required by law to make out, an annual salary of not less than eight hundred dollars, the amount of which if above that sum, shall be determined by the city council of said city, and be paid quarterly out of the city treasury.

Warrants, etc.

Clerk and special justice not to act as counsel.

SECT. 7. The said clerk as justice of the peace, or any justice of the peace for the county of Essex, may issue a warrant under the forty-ninth chapter of the Revised Statutes, returnable before said court, but no justice of the peace within the city of Lawrence shall exercise any further jurisdiction than to issue such warrant; the said clerk shall not be retained or employed as counsel or attorney in any suit, complaint, petition, or other proceeding whatever, before said court, except as above provided, nor in any case which shall have been heard or tried therein; and neither of the special justices shall be retained or employed as counsel, or attorney, in any cause which shall have been heard by them respectively.

Court, how often to be held.

SECT. 8. The said court shall be held on every day of the week, Sundays excepted, at nine of the clock in the forenoon, to take cognizance of crimes, offences and misdemeanors, and twice at least each month, at ten of the clock in the forenoon, and by adjournment as much oftener as may be necessary, for the entry and trial of civil actions, the hearing of motions and such other civil business as may come before it.

Jurisdiction not limited.

SECT. 9. The jurisdiction of said court shall not be limited by reason of any interest on the part of the justices thereof, or any of them, or of the clerk, in the payment of fines and costs imposed by said court, which are payable into the treasury of the city of Lawrence, or of the county of Essex.

Inconsistent acts repealed.

SECT. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

An Act to indemnify Officers for having seized and destroyed Intoxicating Liquors. *Chap. 271*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever a judgment for damages has been or may be recovered against any justice of the peace, justice of any police court, sheriff, deputy sheriff, constable, or other magistrate or officer, in any action brought against him on account of any thing heretofore done by him in good faith, in his official capacity, under and by virtue of the act entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors," passed in the year eighteen hundred and fifty-two, he shall receive the amount of damages and costs so recovered against him of the treasurer of the Commonwealth: *provided*, the judge or justice before whom the case may be tried shall certify, under his hand, that the said judgment was recovered against said magistrate or officer on account of some act done by him in good faith, in his official capacity, under the statute aforesaid.

Officers indemnified by Commonwealth in certain cases.

Proviso.

SECT. 2. And the treasurer of the Commonwealth shall also pay to any such magistrate or officer, against whom judgment may be recovered as aforesaid, such further sum as the judge or justice who may try the case, shall, in his said certificate, certify has been fairly and reasonably expended by said magistrate or officer in carrying on the defence of any such suit.

Same subject

SECT. 3. Whenever any such magistrate or officer, who, having rendered himself liable in his official capacity as aforesaid, or any person acting in their behalf, or in behalf of either of them, shall have settled and paid the same, previous to the passage of this act, such magistrate or officer, or other person, as aforesaid, may petition the court of common pleas within and for the county in which he may reside, for an allowance of the amount so paid; and if it shall be made to appear to the satisfaction of said court that it was a proper case to be settled, then the justice of said court shall certify to the treasurer of the Commonwealth such amount as he shall deem just and proper for such magistrate or officer, or other person, as aforesaid, to receive; and the treasurer of the Commonwealth, on receiving said certificate, shall pay the amount therein allowed to the magistrate or officer, or other person, as aforesaid, in whose favor the same is made. [*Approved by the Governor, May 2, 1855.*]

Officers liable, may petition, etc.

Treasurer shall pay on receiving certificate of court.

Chap. 272

An Act to protect the Fisheries in the Town of Chilmark.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May build fishway.

SECT. 1. Abner Mayhew, George Mayhew, and their associates, are hereby authorized and directed to build and maintain a good and suitable fishway, both for ingress and egress, through the creek leading to Squipnocket Pond, so called, in the town of Chilmark in the county of Dukes, during the usual season for the passage of fish through said creek.

Penalty for obstructing, etc.

SECT. 2. Any person causing obstruction to the passage of fish through said creek named in the first section of this act, shall be liable to a penalty of twenty dollars for each and every day such obstructions shall wilfully be allowed to remain during the season named in the first section of this act, to be recovered in any court competent to try the same, for the use of the person who shall sue for the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 273

An Act to authorize Ebenezer Johnson and William H. Mann to extend their Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend wharf.

Ebenezer Johnson and William H. Mann are hereby authorized and empowered to extend and maintain their wharf in the city of Boston, in the direction in which it now runs, to the line established by "An Act concerning the Harbor of Boston," passed the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend beyond low-water mark shall be built on piles, and that the provisions of this act shall not interfere with the private rights of any person or persons whatever. [*Approved by the Governor, May 2, 1855.*]

Rights, etc.

Proviso.

An Act empowering the Inhabitants of Villages to establish Watch Districts within the same. *Chap. 274*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of a village of any town in the Commonwealth, qualified to vote in town affairs, at a meeting thereof, held for that purpose, may establish a watch district, the object of which shall be the protection of property against fire, thieves and robbers, and also to keep the streets quiet in the night time, the officers of which shall have charge of and be responsible for the watchman and apparatus which shall be employed for the purpose aforesaid: *provided*, that no district containing less than one thousand persons shall have the benefit of this act.

Villages may establish watch districts.

Proviso.

SECT. 2. The selectmen of any town, upon the application, in writing, of not less than seven freeholders, inhabitants of any district of such town, the limits of which shall be defined in such application and shall contain not less than one thousand persons, requiring them to notify a meeting of the inhabitants of such district, duly qualified to vote in town affairs, for considering the expediency of establishing a sufficient watch for and within the said district, shall, without delay, give notice to such inhabitants, in the same manner in which notice of town meetings is given, to assemble at some suitable place within the district for the purpose aforesaid, the substance of which shall be expressed in the notification; and at such meeting the selectmen shall preside. If the selectmen refuse or neglect to summon such meeting, any justice of the peace, in the county in which such town is, may call the same. If none of the selectmen are present at the said meeting, a moderator may be chosen to preside over it, who shall have and exercise the same power that the moderator of a town meeting has.

Selectmen to notify meeting, upon application in writing, etc.

Justice may call meeting if selectmen refuse.

SECT. 3. The inhabitants of any village which may be so situated as to be not wholly in one town, but may belong to two or more towns, may form themselves into a watch district, for the purposes mentioned in the first section of this act, by making application to any justice of the peace for the county in which either of the towns is situated, who shall give notice to the inhabitants of such village in the manner prescribed in section second: *provided*, such application be made by not less than ten legal voters, inhabitants of the district, five of whom shall be from each of the towns in

Proceedings when village is situated in two or more towns.

which such district is situated, and at any meeting so called, a moderator shall be chosen to preside.

Proceedings at district meetings.

SECT. 4. No person shall be allowed to vote at a meeting held as above provided, except the inhabitants of the district duly qualified as aforesaid. They shall choose a clerk, who shall make oath to keep a true record of the proceedings of the same, and all other meetings, and to perform all the other duties of clerk of such watch district, so long as he shall hold the office. The clerk so chosen may be removed by the inhabitants of the district, or may resign, and another may be chosen in his place; and the same may be done in case of his decease or incompetency.

Prudential committee.

SECT. 5. The inhabitants of such village, at a meeting held in the manner aforesaid, may vote to establish a watch district within the same, the officers for which shall consist of a prudential committee, of not less than three, nor more than five persons.

How chosen.

SECT. 6. The prudential committee of any watch district shall be chosen by ballot at the meeting called in the manner aforesaid, or at any adjournment thereof, or at any other meeting called by the clerk for that purpose; and shall be under oath faithfully to perform the duties of such offices respectively.

Meetings, how called.

SECT. 7. Meetings of the inhabitants of any watch district, after the first meeting, shall be called by the clerk of such district whenever he is requested in writing to do so by the prudential committee or by seven legal voters of the district; and he shall give notice thereof by posting written or printed notifications of such meeting in at least six public places in the district not less than seven days prior to the meeting, which notification shall contain a brief statement of the purposes of the meeting. At all such meetings a moderator shall be chosen to preside, who shall have the same power to keep order as the moderator of a town meeting has. The clerk shall preside, with like power, until a moderator is chosen.

May raise money, etc.

SECT. 8. The inhabitants of any watch district constituted as aforesaid may, at a meeting called for said purpose in the manner aforesaid, raise money for the payment of watchmen and for any apparatus or necessary expense which may be required to carry out the purpose aforesaid. And the prudential committee shall have the care, custody and management of the moneys so raised, and shall expend the same for the purpose provided by the vote of the inhabitants of the watch district by whom it was raised, and not otherwise;

Prudential committee to have charge of funds, etc.

and such committee shall be accountable to the said inhabitants for all moneys so intrusted to them, who shall have power to maintain any suit therefor in their aggregate capacity of inhabitants of the said district.

SECT. 9. The prudential committee of any watch district shall issue their warrants to the clerk, requiring him to call a meeting annually in the month of March, each succeeding year, for the purpose of choosing their officers; and in case of refusal or neglect to call and to hold such meeting as aforesaid, the officers of said watch district shall be authorized and required to perform the duties heretofore provided until others are chosen.

Annual meetings for choice of officers, etc.

SECT. 10. The clerk of each watch district constituted under this act, shall certify to the assessors of the town all sums of money that shall be voted to be raised, by the inhabitants of such district, for the purposes and in the manner aforesaid, which shall be assessed and collected by the officers of the town in the same manner that the town taxes are assessed and collected, and shall be paid over by the collector of the town to the town treasurer, who shall hold the same, subject to the order of the prudential committee of the watch district. The assessors, treasurer and collector of any town in which a watch district shall be organized under this act shall have the same power and perform the same duties, in reference to the assessment and collection of said taxes, as they have in the assessment and collection of town taxes, and make abatements in the same manner: *provided, nevertheless*, that the sum so voted shall be assessed upon the property located within such district, both real and personal.

Clerk shall certify to assessors amount to be raised, etc.

SECT. 11. Whenever a watch district is situated in two or more towns, the assessors of each of the towns shall transmit to the clerk of such district the amount of taxable property in such part of their respective towns as may be enclosed in such watch district; the prudential committee shall thereupon apportion the sums of money voted to be raised by the inhabitants of the district, to the towns respectively, according to the returns thus transmitted, and such money shall be collected and held in the manner provided in section ten.

Duty of assessors when district is situated in two or more towns.

SECT. 12. The inhabitants adjoining any watch district may be annexed thereto in the following manner, viz.: a petition shall be presented to such district for annexation, describing the territory to be annexed, and subscribed by a majority of the freeholders therein. The clerk of such

watch district shall then proceed to give due notice of the addition above referred to, at their next annual meeting, when such object may be consummated by their concurrence.

SECT. 13. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 275 An Act to establish an additional District for the administration of the Criminal Law.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Hampshire and Franklin counties shall compose the Northwestern district.

SECT. 1. For the administration of the criminal law in this Commonwealth, the counties of Hampshire and Franklin shall constitute a separate district, which shall be the North-Western District.

District-attorney, how appointed.

SECT. 2. The governor, with the advice and consent of the council, shall appoint some suitable person who shall reside within the district, who shall perform the like duties therein as are required by law to be performed by the other district-attorneys in their respective districts, and whose tenure of office shall be the same as that of other district-attorneys.

Salary of attorney for Northwestern district, \$800.

Salary of attorney for Western district, \$1,200.

SECT. 3. The district-attorney for the north-western district shall receive an annual salary of eight hundred dollars : and the district-attorney for the western district shall receive an annual salary of twelve hundred dollars, instead of one thousand dollars, which he has heretofore received ; said sums to be paid to the said district-attorneys out of the treasury of the Commonwealth, in equal quarterly payments, in full for all services rendered by them.

Inconsistent acts repealed.

SECT. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 276 An Act in relation to Persons committed to Prison on Warrants of Distress.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proceedings on certain commitments.

SECT. 1. When any person who is committed to prison on a warrant of distress in favor of the Commonwealth, and shall represent to the jailer that he is unable to pay the debt for which he is imprisoned, and is desirous to take the benefit of the law for the relief of poor debtors, the jailer

shall make known the same to some justice of the peace for the county.

SECT. 2. The justice shall thereupon appoint a time and place for the examination of the debtor, and shall give notice to the district-attorney for that district, by a citation under his hand, which citation shall be served and returned by any officer who is qualified to serve any civil process between the same parties. Justice shall give notice to district-attorney.

SECT. 3. The citation shall be served on the district-attorney by giving him an attested copy of the same in hand, or leaving the same at his usual place of abode, thirty days at least, before the time appointed for the examination. Service of citation.

SECT. 4. The examination shall be had before any two justices of the peace for the county, one of which shall be of the quorum and disinterested, and not related to the debtor. Examination.

SECT. 5. When the place appointed for the examination of said debtor shall be out of the city or town where the district-attorney shall reside, or said attorney shall from any cause be unable to attend the examination of said debtor, he may appoint such counsel as he may think proper in his stead, and for such attendance, either by himself or by counsel by him appointed, such allowance shall be made by the court of common pleas for said county as it shall deem proper, and all the proceedings to be had shall conform as nearly as may be to the provisions of law in the case of poor debtors. Attorney may appoint counsel, in certain cases.

SECT. 6. The justices and the officer shall receive such fees as are allowed in the ninety-eighth chapter of the Revised Statutes for the relief of poor debtors. [*Approved by the Governor, May 2, 1855.*] Fees.

An Act to authorize John Jenkins and others to erect a Dam across Mill Creek.

Chap. 277

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Jenkins, Thomas Swift, John Hatch, Jr., Obed Goodspeed, Oliver C. Swift, Henry C. Bunker, Thomas L. Swift, George W. Swift, and Erasmus Gould, owners of land adjoining Mill Pond and Mill Pond Creek, in the town of Falmouth, their heirs and assigns, are hereby authorized and empowered to build and maintain a dam, with proper gates, outlets and sluiceways, from a point on the westerly side of said Mill Pond Creek, near the county road and Dam on Mill Creek, in Falmouth. Boundaries.

bridge, thence running easterly across said creek to the easterly side thereof, so as effectually to exclude the tide-water from ingress or egress to or from said pond, except through their gates, outlets and sluiceways.

Damages, how
ascertained and
settled.

SECT. 2. Said John Jenkins and associates above named, their heirs and assigns, shall pay all damages that may arise to the owners of any land in consequence of the making of said dam and raceways, and for any other damage done under this act. The said damages to be ascertained and settled in the same manner as damages for flowage are by law ascertained and settled. [*Approved by the Governor, May 2, 1855.*]

Chap. 278

An Act to incorporate the Worcester South Agricultural Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Powers, privi-
leges, etc.

Members.

May hold real and
personal estate
not exceeding
\$15,000 each.

SECT. 1. Luther Hamant, Oliver C. Felton, Marvin Cheney, their associates and successors, are hereby made a corporation by the name of the Worcester South Agricultural Society, for the encouragement of agriculture and the mechanic arts by premiums and other means, in the town of Sturbridge, in the county of Worcester; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of other agricultural societies established in this Commonwealth; and they are hereby authorized to admit members from the towns of Sturbridge, Southbridge, Dudley, Webster, Oxford, Charlton, Spencer, Brookfield, North Brookfield, West Brookfield, Warren, in the county of Worcester, and Brimfield and Holland in the county of Hampden; and said corporation may hold and manage real estate not exceeding in value fifteen thousand dollars, and personal estate not exceeding the same sum for the purposes aforesaid.

SECT. 2. The said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually out of the treasury of this Commonwealth, such sum as any other agricultural society may receive under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section seven of that chapter. [*Approved by the Governor, May 2, 1855.*]

An Act authorizing the Selectmen of the Town of Falmouth to permit Seines to be used in certain Ponds. *Chap. 279*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The selectmen of the town of Falmouth, in the county of Barnstable, and their successors, are hereby authorized to permit seines to be used at their discretion (said permits to be given in writing) between the first day of December and the following first day of April in each year in the following ponds, viz.: "Bowman's Pond," "Little Pond," and "Perch Pond."

Selectmen may permit seine fishing in certain ponds.

SECT. 2. Any person or persons detected in using or shooting any seine or seines for the purpose of taking fish in any of the ponds named in the foregoing section, without permission of the selectmen as provided in said section, shall be subject to fine of not less than five dollars nor more than one hundred dollars for every such offence, to be recovered before any court competent to try the same, one-half of said fine to accrue to the use of the town, the other half to the person complaining.

Fine for fishing without permit.

How recovered.

SECT. 3. The selectmen aforesaid shall determine, so far as shall appear to them advisable, in what manner any fish taken from said ponds, by their permission, shall be disposed of so as to secure to the inhabitants of said town of Falmouth a supply of fish so taken.

Disposal of fish determined by selectmen.

SECT. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

An Act requiring Guardians to render their Accounts, as provided for in the fifth section of the seventy-ninth Chapter of the Revised Statutes, as often as once in three years. *Chap. 280*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The fifth section of the seventy-ninth chapter of the Revised Statutes is so far amended as to require all guardians to render an account, as therein provided, as often as once in three years at least, whether specially required so to do by the judge of probate or not.

Accounts to be rendered once in three years.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

Chap. 281 An Act to authorize the construction of a Breakwater in the Town of Rockport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Breakwater in Rockport.

SECT. 1. John Stimson, Ezra Eames, Joshua Sanborn, Jotham Taylor, Anson Stimson, Moses H. Wetherbee, John A. Page and Lyman B. Goss and their associates, are hereby authorized to construct a breakwater, already commenced on the easterly side of Rowe's Cove, in Rockport, in the county of Essex; and may extend the same from the south-easterly end of the portion thereof already finished, to the large ledge off Knowlton's Point, in said Rockport, known as Knowlton's Ledge, and may construct and maintain all said breakwater of the same height and width with that part thereof already constructed.

May extend wharves.

SECT. 2. Said Stimson, Eames, Sanborn, Taylor, and Anson Stimson, and their associates, may extend and maintain their wharf along the inner side of said breakwater, down to said ledge, of the same width with that part thereof already constructed; the front wall of said wharf upon the harbor not to be more than twenty feet within the base line of said breakwater, and said Wetherbee, Page and Goss, may extend and maintain their wharf along the inner or shore side of said cove, to the south-eastern boundary of their land, of the same width with that part thereof already built; and said parties shall have the right to lay vessels at their respective wharves and to receive wharfage and dockage therefrom. And said parties and the survivors of them, and their associates and assigns, shall have power to fix and receive a toll on such vessels as may enter or use the artificial harbor to be formed by said breakwater, but all vessels which shall lade or unlade cargoes upon the land or wharf of William H. Knowlton, his heirs or assigns, on the inner side of said harbor, shall be exempted therefrom.

Rights, etc.

Legal rights not affected.

SECT. 3. This act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, May 2, 1855.*]

Chap. 282 An Act to change the Name of the South Bay Mill Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The corporation chartered by an act entitled "An Act to incorporate the South Bay Mill Company," shall,

from and after the passage of this act, be known and called by the name of the Boston Planing and Moulding Company.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

An Act concerning Suits against Executors and Administrators.

Chap. 283

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of the first section of chapter two hundred and ninety-four of the acts of eighteen hundred and fifty-two, shall not apply, or be construed to apply, to any right of action of any creditor of the estate of a deceased person, against the executor or administrator of such person, which had accrued or existed against such deceased person, his executor or administrator, prior to the passage of said act.

Provisions of act of 1852, concerning right of action, not to apply, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1855.*]

An Act to authorize Henry Kingsbury to extend his Wharf.

Chap. 284

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Henry Kingsbury, proprietor of a wharf and flats situate on the road leading from Amesbury Ferry to Essex Merri-mack Bridge, in Salisbury, and lying between and adjoining the land and flats of Timothy P. Osgood and Robert Fowler, is hereby authorized to extend and maintain his wharf to the river channel, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any persons or corporation whatever. [*Approved by the Governor, May 2, 1855.*]

May extend wharf.

Rights, etc.

Proviso.

An Act in addition to an Act to regulate the Storage and Transportation of Gunpowder in the City of Roxbury.

Chap. 285

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever, by virtue of an act to regulate the storage and transportation of gunpowder in the city of Roxbury, passed the twenty-first day of April, in the year eighteen hundred and forty-eight, any gunpowder shall be seized

Seizure of gunpowder in Roxbury, etc.

and libelled, and upon the trial it shall appear that such gunpowder was lawfully seized, the same shall be decreed to be forfeited, and shall be disposed of according to the provisions of the one hundred and eighteenth chapter of the Revised Statutes, concerning the seizing and libelling of forfeited goods.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

Chap. 286 An Act concerning the Boston and New York Central Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Claimants may agree not to avail, etc., before May 1, 1856.

SECT. 1. Any number of the persons having such claim against the Boston and New York Central Railroad Company, as does, or may hereafter entitle them to the remedies provided in the second chapter of the acts of eighteen hundred and fifty-four, and the ninth chapter of the acts of eighteen hundred and fifty-five, are hereby authorized to agree in writing with said company, and with each other, not to avail themselves of said remedies before the first day of May, in the year eighteen hundred and fifty-six; and such agreement shall not be deemed a waiver of their right to enforce said remedies, or any of them, after the expiration of the said time, but the same may then be enforced as fully as if said agreement had never been made.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

Chap. 287 An Act relating to the By-Laws of Cities and Towns.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for refusing to perform duty, etc.

Whenever the inhabitants of any town, or the city council of any city, in this Commonwealth, shall, in any lawful by-law, impose a duty, and shall affix a penalty for neglect or refusal to perform the same, they may also provide that the said duty, in case of such neglect and refusal, may be performed by officers named in such by-law, at the expense of the party liable, which may be recovered by action of contract, in the name of any such city or town, in any court competent to try the same. But the amount recovered shall never exceed the amount of the penalty fixed in such by-law. [*Approved by the Governor, May 3, 1855.*]

How recovered.

An Act to incorporate the Shoe and Leather Dealers' Fire and Marine Insurance Company. *Chap. 288*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis S. Newhall, George Hood, Francis Dane, their associates and successors, are hereby made a corporation by the name of the Shoe and Leather Dealers' Fire and Marine Insurance Company, to be established in the city of Boston, for the purpose of making insurance against losses by fire and against maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all general laws which are now or may hereafter be in force relative to insurance companies.

Corporators.

Name.

Purpose.

Powers, duties, etc.

SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to any amount not exceeding five hundred thousand dollars, and may hold real estate for its use not exceeding fifty thousand dollars.

Capital stock, \$100,000.

Shares \$100 each.

May increase to \$500,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

An Act in addition to An Act establishing the City of Salem.

Chap. 289

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. For the purpose of holding all elections, the city council of the city of Salem shall be authorized to divide the city into four or more wards, and shall determine the number of common councilmen to be elected in each ward: *provided*, that the whole number of common councilmen shall not exceed twenty-four.

Wards and common council.

Proviso.

SECT. 2. On the first Monday of January, annually, there shall be chosen by ballot in each of the wards, a warden, two assistant wardens, and a clerk, who shall hold their offices for one year, and until others shall have been chosen and qualified in their places.

Election of wardens and clerk.

SECT. 3. On the first Monday in January, annually, immediately after the warden, two assistant wardens and clerk shall have been elected, the qualified voters in each ward shall give in their votes for a mayor, six aldermen, and such

Election of mayor, etc.

a number of common councilmen in each ward as the city council may determine.

Organization of
city government.

SECT. 4. The annual organization of the city government shall take place on the fourth Monday in January.

SECT. 5. In all elections the mayor and aldermen may fix the time when the polls shall be opened and closed.

Inconsistent acts
repealed.

SECT. 6. All acts and parts of acts as are inconsistent with the provisions of this act are hereby repealed.

Act void, unless
accepted, etc.

SECT. 7. This act shall be void unless the legal voters of said city, at a general meeting called for that purpose, shall vote to accept the same within twelve months from its passage. [*Approved by the Governor, May 3, 1855.*]

Chap. 290

An Act concerning Manufacturing Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporations may
issue general
stock and special
stock.

SECT. 1. Any corporation, now or hereafter established within this State, for the purpose of carrying on any kind of manufacture, may issue two kinds of stock—namely, general stock, and special stock. The special stock shall at no time exceed two-fifths of the actual capital of the corporation, and shall be subject to redemption at par after a fixed time, to be expressed in the certificate. Holders of such special stock shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed half-yearly sum or dividend, to be expressed in the certificate, not exceeding four per cent., and shall in no event be liable for the debts of the corporation beyond their stock. Holders of such general stock shall be, jointly and severally, individually liable for all the debts of the corporation until such special stock shall be redeemed in full: *provided, always*, that no corporation shall issue such special stock except by a vote of three-fourths of the general stockholders at a meeting duly called for that purpose.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

An Act to change the Name of the Berkshire County Mutual Life Insurance Company. *Chap. 291*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Berkshire County Mutual Life Insurance Company are hereby authorized to take the name of the Berkshire Life Insurance Company. Name changed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

An Act to incorporate the Newburyport Submarine and Wrecking Company. *Chap. 292*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Moody D. Cook, Eleazer R. Walker, Ralph C. Huse, Charles Currier, H. Kimball, P. H. Richardson, their associates and successors, are hereby made a corporation by the name of the Newburyport Submarine and Wrecking Company, for the purpose of relieving vessels in distress and recovering wrecked and sunken property; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and acts in addition thereto. Corporators.
Name.
Purpose.
Powers, privileges, etc.

SECT. 2. The capital stock of said corporation shall not exceed in amount one hundred thousand dollars, and no shares of said corporation shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first paid in: *provided*, that forty per cent. of said capital shall be actually paid in, in cash, within one year after the passage of this act. [*Approved by the Governor, May 3, 1855.*] Capital stock,
\$100,000.
Proviso.

An Act concerning Beaches in the Town of North Chelsea.

Chap. 293

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person or persons shall carry away or remove any sea-weed, sand, stones, gravel or mud, from any beach in the town of North Chelsea, without permission, first obtained, from the selectmen of said town of North Chelsea, Sea-weed, etc.,
not to be carried
away without
permission.

or from some person or persons duly authorized by the selectmen of said town to grant such permission.

Penalty for violation, etc.

If recovered.

SECT. 2. Any person who shall offend against any of the provisions of this act shall forfeit and pay for each offence a sum not exceeding twenty dollars, to be recovered by complaint or indictment in any court of competent jurisdiction, one-half for the use of the complainant, the other half for the use of said town of North Chelsea.

Inconsistent acts repealed.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

Chap. 294

An Act in relation to Savings Banks.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Investments in corporations by savings banks limited.

SECT. 1. No savings bank in this Commonwealth shall be allowed to invest more than ten per cent. of its deposits, nor, in case such percentage amounts to one hundred thousand dollars, more than one hundred thousand dollars of its deposits, in the capital stock of any one corporation.

To be reduced, if, etc.

SECT. 2. Any savings bank in this Commonwealth that may have invested a larger amount of its deposits than is expressed in the foregoing section, in the capital stock of any one corporation, shall reduce the same to the limits in said section named within twelve months after the passage of this act. [*Approved by the Governor, May 3, 1855.*]

Chap. 295

An Act to incorporate the Dorchester Antiquarian and Historical Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Purpose.

Powers, duties, etc.

SECT. 1. Edmund P. Tileston, Edmund J. Baker, James M. Robbins, their associates and successors, are hereby made a corporation by the name of the Dorchester Antiquarian and Historical Society, in Dorchester, for the purpose of collecting such manuscripts, books, and natural and artificial curiosities, as may tend to illustrate and preserve the history of the United States, and of publishing such portions of their collections as may be deemed interesting and instructive to succeeding generations; with all the powers and privileges, and subject to all the duties and liabilities contained in the forty-fourth chapter of the Revised

Statutes, so far as the same may be applicable to this corporation.

SECT. 2. Said corporation may hold real estate to the amount of ten thousand dollars, and personal estate to the amount of twenty thousand dollars, in addition to the value of their books.

Real estate,
\$10,000.
Personal estate,
\$20,000.

SECT. 3. The lawful acts and elections already had by said society shall have the full effect of acts or elections by said corporation: *provided*, said corporation shall, by legal vote, confirm the same.

Acts confirmed.

Proviso.

SECT. 4. Edmund P. Tileston is hereby authorized to call the first meeting of said corporation, by causing a certified notice of the time and place of said meeting to be served upon each of the members of said corporation in the form and manner established by said society.

First meeting,
how called.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1855.*]

An Act concerning Agricultural Societies which receive the Bounty of the State. *Chap. 296*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No incorporated agricultural society, receiving the bounty of this Commonwealth according to the provisions of chapter forty-second of the Revised Statutes, shall distribute any part thereof to any person, as first premium, for any animal or article for which a first premium shall have been awarded by that or any other incorporated society.

Award of premiums prohibited in certain cases.

SECT. 2. No incorporated agricultural society, receiving the bounty of this Commonwealth, shall award from such bounty any second or third premium to any person for any animal or article which shall have received the same premium from any other incorporated society the same year.

Same subject.

SECT. 3. No incorporated agricultural society receiving the bounty of the Commonwealth, which shall hereafter disregard the prohibitions of this act, shall be entitled to receive any part of said bounty for that year.

Societies disregarding, etc., not to receive bounty

SECT. 4. Nothing in this act shall be held to prohibit any animal or article which receives a lower premium, from being entered with another society, or with the same society, on a succeeding year, for a higher premium. [*Approved by the Governor, May 4, 1855.*]

May enter animals, etc., for higher premium.

Chap. 297 An Act to change the Name of the Jones Manufacturing Company, and to authorize an increase of Capital Stock.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The corporate name of the Jones Manufacturing Company in the town of Templeton, Worcester county, shall be changed, and the said corporation shall be known and called by the name of the "Otter River Manufacturing Company."

Capital increased
\$50,000.

SECT. 2. Said corporation is hereby authorized to increase their capital stock fifty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1855.*]

Chap. 298 An Act in addition to "An Act to establish an Institution for Savings in Northampton."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Benjamin Barrett, Samuel F. Lyman, Samuel Wells, Joseph Lathrop, Harvey Kirkland, Morris E. White, Horatio G. Knight, Winthrop Hillyer, Charles White, Charles Delano, and Luther I. Washburn, are hereby made and constituted associates of Samuel L. Hinkley, as corporators and members of the Northampton Institution for Savings, a corporation established at Northampton, in the county of Hampshire; with full power and authority unto them and their successors to maintain and perpetuate the corporate existence, powers and privileges, of the said institution; subject, however, to the provisions of the thirty-sixth chapter of the Revised Statutes, and any acts additional thereto.

Name.

Powers, etc., of
corporation.

SECT. 2. All acts and transactions heretofore done and performed by and with the acting trustees or other officers of the said Northampton Institution for Savings, are hereby confirmed, any objection on account of the irregularity in the election or appointment of the said trustees or other officers, to the contrary notwithstanding. [*Approved by the Governor, May 4, 1855.*]

Transactions, etc.
confirmed.

An Act in addition to "An Act to incorporate Traps Creek Fishing Company," in Edgartown. *Chap. 299*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The owners of Traps Creek Fishing Company, in the town of Edgartown, in the county of Dukes, their associates and successors, are hereby authorized to catch all kinds of fish, by seine or otherwise, in Traps Pond, from the first day of November to the first day of April, in each year. Proprietors may catch fish by seine from November to April.

SECT. 2. If any person shall set, stretch, or drag a seine in said pond, except as above provided, without the consent of said proprietors, he shall forfeit and pay to the use of the aforesaid company the sum of twenty dollars for each offence, and an additional sum of ten dollars for each and every barrel of perch so taken, to be recovered by indictment, or on complaint before any justice of the peace. Penalty for unlawful fishing, etc.

SECT. 3. No person, whether a proprietor or not, shall be allowed to seine perch in said pond, from the first day of April to the first day of November, in each year. How recovered.

SECT. 4. Nothing herein contained shall prevent any inhabitant of this Commonwealth from catching perch in said pond, with hook and line, at any time. Fishing with seine prohibited from April to November.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Perch fishing lawful with hook and line, etc.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1855.*]

An Act concerning the Trustee Process.

Chap. 300

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If the wages of the personal labor and services of any person shall be attached by the process of foreign attachment, and the plaintiff shall not recover a sum exceeding five dollars as debt, he shall recover no costs of that suit, and shall pay all costs of the defendant and trustee. Plaintiff to pay all costs, if not more than \$5 is recovered.

SECT. 2. If the wages of the personal labor and services of any person, shall be attached upon the process of foreign attachment, for any debt or demand, other than for the necessities furnished the debtor or his family, and there shall not be in the hands or possession of the trustee, at the time of the first service of the writ on him, a sum due as such Discharge of trustee, if not more than \$20 due as wages.

wages, exceeding twenty dollars, the trustee shall be discharged.

When to take effect.

SECT. 3. This act shall take effect from and after the first day of September next, but shall not affect any actions then pending. [*Approved by the Governor, May 4, 1855.*]

Chap. 301

An Act to Protect the Fisheries in the Town of Harwich.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Obed Brooks, Jr., authorized to propagate and catch fish.

SECT. 1. Obed Brooks, Jr., and his associates and successors, in the town of Harwich, in the county of Barnstable, are hereby authorized to remove all obstructions in the brook or stream called Coy's Brook, from the branch of Herring River, (so called,) near Hall's Island, to Clark's Pond and Flax Pond, for the purpose of propagating and catching herring or alewives, for the sole use and benefit of said Brooks and his associates: *provided*, that no individual's rights or privileges shall be infringed thereby.

Proviso.

Penalty for unlawful fishing, etc.

SECT. 2. All persons illegally taking fish from said ponds or said brook or stream, or causing obstructions to the passage of fish or alewives to or from said ponds, shall be liable to a penalty of not less than two dollars or more than twenty dollars for each offence, to be recovered in any court competent to try the same, for the use of the person who shall sue therefor.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1855.*]

Chap. 302 An Act concerning Trustees of Charitable Funds given or bequeathed to Cities and Towns.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees of city or town funds to make an annual exhibit.

SECT. 1. All trustees, whether incorporated or not, who hold funds, given or bequeathed to any city or town, in this Commonwealth, for any specific or general charitable, religious or educational purpose, shall make an annual exhibit of the condition of such funds to the board of aldermen of the city, or the selectmen of the town, to which such funds have been given or devised, and all transactions by such trustees of any nature whatever, concerning such funds, shall be liable to inspection by the board of aldermen of the city, or the selectmen of the town, to which such returns are made.

SECT. 2. The judge of probate for the county in which the city or town is situated to which funds have been given or bequeathed as aforesaid, shall have the power, on the petition of any five persons, to cite all parties interested in any funds so given or bequeathed, to appear before him to answer any and all complaints which may then and there be made; and if it shall be shown to the satisfaction of said judge of probate that any trustee or trustees have neglected or refused to render such annual exhibits as aforesaid, or are shown to be incapable of discharging the trust reposed, or to be unsuitable to manage the affairs of the same, then the said judge may remove such trustee or trustees, as he may deem proper, and supply the vacancies so caused.

Judge of probate, upon petition, etc., may cite all parties interested

Trustees may be removed in certain cases.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 4, 1855.]

An Act to incorporate the Boston and St. John Navigation Company. Chap. 303

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas F. Wells, John H. McClenner, and Samuel C. Cobb, their associates and successors, are hereby made a corporation by the name of the Boston and St. John Navigation Company, to be located in the city of Boston, for the purpose of building, equipping and maintaining a line of vessels to ply between Boston and the British Provinces of North America; with the right to employ steam-power as an auxiliary for propelling the said vessels whenever it is judged expedient or proper by said company, and with all the powers and privileges, and subject to all the duties and liabilities, as set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes of the State of Massachusetts, and to continue for the term of twenty years.

Corporators.

Name.

Purpose.

Powers, liabilities, &c.

Duration.

SECT. 2. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars. No share in said corporation shall be issued for a less sum or amount (to be paid in on each) than the par value of the shares first issued; and all debts of said corporation shall be paid before the stockholders shall receive any dividends. [Approved by the Governor, May 4, 1855.]

Capital not to exceed \$200,000.

No shares to be issued under par.

Dividends.

Chap. 304

An Act to protect the Property of Married Women.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Property of married women not subject to the disposal of husband, nor liable for his debts.

SECT. 1. The property, both real and personal, which any woman, who may hereafter be married in this Commonwealth, may own at the time of her marriage, and the rents, issues, profits and proceeds thereof, and any real or personal property which shall come to her by descent, devise or bequest, or the gift of any person except her husband, shall remain her sole and separate property, notwithstanding her marriage, and not be subject to the disposal of her husband, or liable for his debts.

Husband not liable for debts contracted by wife before marriage.

SECT. 2. The husband of any woman, hereafter married in this Commonwealth, shall not be liable to be sued for any cause of action which originated against her before marriage; but she shall be liable to be sued for the same as if she were sole, and her property shall be liable to be attached and taken on execution in the same manner.

Married women may sell and convey real estate, etc., but not valid without assent of husband, except, etc.

SECT. 3. Any woman, hereafter married, may, while married, bargain, sell and convey her real and personal property, and enter into any contract in reference to the same, in the same manner as if she were sole; but no conveyance of any real property, (except a lease for a term not exceeding one year,) and no conveyance of any shares in any corporation, shall be valid, without the assent, in writing, of her husband, except with the consent of one of the judges of the supreme judicial court, or of the court of common pleas, or the judge of probate, to be granted, on her petition, in any county, on account of the sickness, insanity or absence from the Commonwealth, of her husband, or other good cause; and her husband, if within the Commonwealth, shall have such notice of the petition as the judge or court may order. This petition may be presented to, and granted by, any such judge in vacation, as well as in term time.

May sue and be sued.

SECT. 4. Any woman, hereafter married, may, while married, sue and be sued, in all matters having relation to her property, in the same manner as if she were sole.

May make will, etc.

SECT. 5. Any woman, hereafter married, may, while married, make a will; but such will shall not deprive her husband of his rights as tenant by the courtesy, and she shall not bequeath away from him more than one-half of her personal property, without his consent in writing; and any woman, now married, may make a will of her real estate,

which, however, shall not deprive her husband of his rights as tenant by the courtesy.

SECT. 6. The real estate and shares in any corporation, standing in the name of any married woman, which were her property at the time of her marriage, or which have since become, or may hereafter become, her property, by virtue of any devise or bequest, or gift from any person except her husband, shall not be liable to be taken on any execution against him, for any debt hereafter to be contracted, or any cause of action hereafter arising.

Property of married women not liable to be taken on execution against husband for debt.

SECT. 7. Any married woman may carry on any trade or business, and perform any labor or services, on her own sole and separate account; and the earnings of any married woman, from her trade, business, labor or services, shall be her sole and separate property, and may be used and invested by her in her own name; and she may sue and be sued as if sole in regard to her trade, business, labor, services and earnings; and her property acquired by her trade, business and service, and the proceeds thereof, may be taken on any execution against her.

Married women may transact business, etc., and may sue and be sued.

SECT. 8. Any woman who shall have been married out of this State, shall, if her husband afterwards become a resident within this Commonwealth, retain all the rights as to property which she may have acquired by the laws of any other State or country, or which she may have acquired by virtue of any marriage contract or settlement made out of this Commonwealth.

Women married out of State to retain all acquired rights to property, etc., if husband becomes resident of Commonwealth.

SECT. 9. Nothing in this act contained, shall invalidate any marriage settlement or contract, now made, or to be hereafter made. [*Approved by the Governor, May 5, 1855*]

An Act to repeal "An Act to establish a Police Court in the Town of Taunton." Chap. 305

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The one hundred and twenty-seventh chapter of the acts of the year one thousand eight hundred and forty-nine, entitled "An Act to establish a Police Court in the Town of Taunton," is hereby repealed: *provided, however*, that the justice of said court may finish the proceedings in any case now pending in said court. [*Approved by the Governor, May 7, 1855.*]

Act repealed.

Chap. 306

An Act to incorporate the Charlestown Dock Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles S. Darrow, George W. White, J. Russell Bradford, and their associates and successors, are hereby made a corporation by the name of the Charlestown Dock Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.

Powers, privileges, etc.

May hold real estate not exceeding \$150,000.

SECT. 2. Said corporation may purchase and hold real estate, in the city of Charlestown, not exceeding, in value, one hundred and fifty thousand dollars, for the purpose of constructing and maintaining a dry dock, a sectional dock, a floating dock, and a marine railway, or one or more of said structures, or other structures, suitable for the building or repairing of ships or other vessels.

Capital stock, \$250,000.

SECT. 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and no shares, in said capital stock, shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

No shares to be issued under par.

SECT. 4. The one hundred and sixty-eighth chapter of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act to incorporate the Charlestown Dock Company," is hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 7, 1855.]

Chap. 307 An Act in addition to "An Act concerning Executors and Administrators, Guardians and Trustees."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Judge of probate may appoint trustee, in certain cases.

SECT. 1. If, in any will executed either by a resident or non-resident in this State, the testator shall have omitted to appoint a trustee in this Commonwealth, and if such appointment be necessary to carry into effect the wishes of the testator, the judge of probate may, after notice to all persons interested, appoint a trustee. And every trustee appointed by any judge of probate, by force of this act, shall have and exercise the same powers, rights and duties, as if he had been originally appointed by the testator, and the

Powers, duties, etc., of trustee.

estate shall vest in him in like manner as it would have vested if appointed by the testator.

SECT. 2. Judges of probate, for their respective counties, may authorize executors, administrators, guardians and trustees, to release and discharge, upon such terms and conditions as may appear reasonable and proper, any vested or contingent or possible right or interest belonging to the persons or estates by them respectively represented, in or to any real or personal estate or property under and by virtue of any gift, grant, legacy, or devise, or declaration or instrument of trust or otherwise, whenever it shall appear to be for the benefit and advantage of the persons or estates in trust.

Guardian, etc., authorized to release rights in real or personal estate, in certain cases.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 7, 1855.]

An Act empowering the Town of West Roxbury to Improve Stony Brook. *Chap. 308*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the town of West Roxbury shall have power, authority and control over Stony Brook, a stream that flows through said town, and the tributaries thereof; for the purposes and objects hereinafter mentioned, in the manner hereinafter prescribed.

Improvement of Stony Brook.

SECT. 2. The said inhabitants of West Roxbury, for the purpose of draining off the stagnant water from the said Stony Brook, the tributaries thereof, the meadows and lands contiguous and adjacent thereto, and for the purpose of carrying off the waste water from the roads and streets of said town of West Roxbury, and for the general improvement of the said Stony Brook, its tributaries, and the lands injured by the want of a free course for the waters, are hereby authorized and empowered to remove obstructions in said Stony Brook and its tributaries, to widen and deepen the said brook and its tributaries, to alter the course of each respectively by changing the original channel or otherwise, and to lower said Stony Brook or its tributaries in order to obtain a greater fall, the more rapidly to carry off the waste water, and to take such portions of land on the banks of said brook and its tributaries, as may be adjudged necessary to widen the same, whether the same be within the limits of said town or not. And the selectmen of West Roxbury shall be authorized and are hereby empowered,

West Roxbury may remove obstructions, etc.

May widen and deepen brook and tributaries.

Selectmen may assess cost, etc.

where impediments or obstructions to the free course of waters through Stony Brook have been created by any persons or corporations, to assess the whole cost of removing said impediments or obstructions upon the persons or corporations who have caused said impediments and obstructions: *provided*, that in no case whatsoever shall any assessments be made upon the city of Roxbury.

Proviso.

West Roxbury may appropriate money, etc.

Selectmen to make improvements and apportion taxes, etc.

Assessment to constitute a lien, etc.

Proceedings in case of non-payment of assessments.

To be under control of West Roxbury.

SECT. 3. The said town of West Roxbury is hereby authorized and empowered to vote, assess, collect, and appropriate such sums of money, as may be requisite to pay the proportion of the expense, incurred for the purposes above mentioned, as shall be adjudged to be proper to be paid by the town; and the selectmen of said town shall have power to make the improvements contemplated by this act, and are authorized annually to assess the said town such portion of the expense thereof as they shall think just, not exceeding one-third of the whole annual expense, and the remainder they are empowered annually to assess upon those owning lands directly or remotely benefited by the improvements, and upon any corporation remotely or directly benefited thereby, whether within the limits of said town or not. And the said benefit to each owner of lands respectively benefited, or to any corporation benefited, shall be ascertained and assessed by the said selectmen, shall be certified by them, and notice thereof shall be given to the party to be charged, or the tenant who occupies the land. And all assessments so made, shall constitute a lien on the real estates assessed for one year after they are laid, and may, together with all incidental costs and expenses, be levied by sale thereof, if the assessment is not paid within three months after a written demand of payment, made either upon the person assessed or upon the tenant or occupant of the estate. Said written demand shall be made by the collector of taxes for the town of West Roxbury, or by the town clerk; and the collector of taxes shall conduct any sale of said estates sold for non-payment of assessments, in the same manner as sales for the non-payment of taxes, and he shall be the legal collector of the assessments made, and shall pay the same into the town treasury of West Roxbury.

SECT. 4. After the completion of the contemplated improvement, that part of Stony Brook within the limits of West Roxbury, shall be under the control of the said town; and said town of West Roxbury, within its own limits, shall have power to grant or prevent entrance to said

Stony Brook: *provided, however*, that it shall not be authorized to restrain or dam up those streams that find to it natural access: *provided, further*, that the power of assessing parties directly or remotely benefited by the improvement of Stony Brook and its tributaries, shall not be extended beyond the term of five years from the passage of this act.

Proviso.

Provided, further

SECT. 5. Any party who may deem himself aggrieved by any such assessment, may at any time, within three months from receiving notice thereof, appeal to the county commissioners to settle and assess the share to be charged to such party; and the said county commissioners may examine the parties and any other person, on oath, touching the matter submitted to them, and shall determine the proper amount of assessment; and in all cases the decision of said county commissioners shall be final; and in case the assessment made by the selectmen shall not be reduced on such appeal, the town shall recover costs, but otherwise, shall pay costs: *provided, however*, that in all cases of appeal as aforesaid, the appellant, before entering it, shall give one month's notice, in writing, to the selectmen, of the intention to appeal, and shall distinctly specify the points of objection to the assessment made by them, to which specification the party appellant shall be confined upon the hearing of the appeal; and the lien on the land assessed shall continue one year after final judgment of said county commissioners, for such sums as the county commissioners shall determine, as the proper amount of assessment and cost thereon. Any owner shall have a right to redeem his, her, or their lands sold by the collector of taxes for default in paying assessments, by paying assessments, costs, and ten per cent. interest into the town treasury of West Roxbury, for the benefit of the purchaser, under the collector's deed, any time within three years from the date of the collector's deed.

Parties aggrieved may appeal to county commissioners.

Appellant to give one month's notice of intention to appeal, etc.

Property sold by collector, how to be redeemed, etc.

SECT. 6. If any person or corporation suffers damage under any of the provisions of this act, by the selectmen's taking land, or otherwise, except as before provided in this act, he or they shall have a right to compensation in damages, to be paid by the town of West Roxbury, which damages shall be estimated by a jury to be awarded by the court of common pleas, in and for the county of Norfolk, and recovered, with costs, in same manner and under the same qualifications, restrictions and limitations, by which damages are estimated and recovered by persons injured by the laying out of highways: *provided, however*, that application shall

Compensation for damages, etc., except as before provided.

Proviso.

be made, in writing, to said court, within six months from the time of damage sustained.

Authority of this act not to extend in city of Roxbury, etc.

SECT. 7. The authority and control given by this act, to the town of West Roxbury, shall not extend in the city of Roxbury, easterly of Washington Street in said city. This act shall be in force from and after its passage; and instead of the selectmen's exercising the powers above conferred, the inhabitants of the town of West Roxbury, in town meeting assembled, may, at the annual meeting, or any adjournment thereof, elect by ballot, if they see fit, three or five persons, to be denominated "Commissioners for Stony Brook," upon whom shall devolve all the powers and duties conferred by this act on the selectmen. [*Approved by the Governor, May 7, 1855.*]

West Roxbury may choose three or five commissioners, etc.

Chap. 309 An Act in addition to "An Act concerning the attendance of Children at School."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1852, chap. 240, amended.

The third section of the act of May, eighteen hundred and fifty-two, entitled "An Act concerning the attendance of Children at School," and being chapter two hundred and forty of the acts of that year, is hereby so far amended that it shall be the duty of the school committees of the several towns and cities in this Commonwealth, with the exception of the city of Boston, where the duty shall devolve upon the truant officers, to report all violations of the first section of said act, together with the reasons given for such violations, if any, to the treasurer of such city or town, instead of reporting the same, to the town or city, in their annual report. [*Approved by the Governor, May 7, 1855.*]

Duty of school committees.

Chap. 310 An Act in addition to an Act entitled "An Act concerning Lines in Boston Harbor."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tenth line in Boston harbor established.

SECT. 1. The tenth line established in and by section fourth of the act of April second, eighteen hundred and forty-seven, in South Bay, as one of the lines of the harbor of Boston, is hereby altered, and instead of being drawn as therein described, shall be drawn, and is hereby established, as follows: that is to say, it shall begin at a point on the

south side of the South Free Bridge, ninety-eight feet seven inches easterly from the easterly side of the draw in said bridge, and thence be drawn in a southerly direction to the point where the tenth line, as heretofore established by said act of April second, eighteen hundred and forty-seven, had its southerly termination, being the point denoted by the letter G on plan of the harbor, number two, of the commissioners of eighteen hundred and fifty-four.

SECT. 2. No wharf, pier, building or incumbrance of any kind shall hereafter be extended beyond the said line herein established into or over the tide water in said harbor.

SECT. 3. Every person or corporation offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor by indictment or information in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars, nor more than five thousand dollars, for every offence; and every erection or obstruction which shall be made contrary to the provisions and intent of this act shall be liable to be abated and removed as a public nuisance in the manner heretofore provided for the removal and abatement of nuisances on the public highway.

SECT. 4. So much of the act of eighteen hundred and forty-seven, concerning lines in Boston Harbor, as is inconsistent with this act is hereby repealed.

SECT. 5. This act shall not take effect, unless the wharf adjoining the said South Free Bridge, on the south-easterly side thereof, is carried out with a solid stone front to said new line, and the part of the north wall of said wharf which now projects beyond said line is removed, within one year from the first day of May, eighteen hundred and fifty-five. [Approved by the Governor, May 7, 1855.]

An Act regulating the Fees of Registers of Deeds and other Recording Officers. Chap. 311

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The fees of registers of deeds, and other recording officers for the like services, unless otherwise provided for by law, shall be as follows, to wit: For entering and recording a deed or other paper, and certifying the same on the original, also indexing the same according to law, and for all other official duties pertaining to the same, twenty-five cents; and if it contains more than one page, at

the rate of twenty cents for every page after the first ; the said fees to be paid when the instrument is left to be recorded ; for all copies, at the rate of twenty cents a page ; for entering in the margin a discharge of a mortgage, twenty-five cents.

Penalty for extortion.

SECT. 2. If any recording officer shall, wilfully and corruptly, demand and receive any greater fee than is allowed by this act for any official duty or service, he shall forfeit fifty dollars for every such offence, which sum may be recovered on an action or indictment in any court proper to try the same ; one-half of said forfeiture shall be taken for the use of the Commonwealth, and one-half thereof for the use of the complainant : *provided, however*, such action or indictment shall be commenced within one year after the committing of the offence, and by or on the complaint of the party from whom such unlawful fee was demanded and received.

Proviso.

Fees in cases not specified.

SECT. 3. In all cases not expressly provided for by law, the fees of all recording officers, for any official duty or service, shall be at the same rate as is prescribed in this act for the like services.

Inconsistent acts repealed.

SECT. 4. Sections fifteen, nineteen and twenty-one, of chapter one hundred and twenty-two of the Revised Statutes, and all other acts or parts of acts inconsistent or conflicting with the provisions contained in this act, are hereby repealed.

When to take effect.

SECT. 5. This act shall take effect from and after the first day of June, in the year one thousand eight hundred and fifty-five. [*Approved by the Governor, May 7, 1855.*]

Chap. 312

An Act to establish a Police Court in the Town of Lee.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police court established, with one justice.

SECT. 1. A police court is hereby established in the town of Lee, to consist of one learned, able and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors, committed within the town of Lee, whereof justices of the peace now have, or may hereafter have, jurisdiction. And the court hereby established shall hear and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are or may be vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority ; and the said

Powers.

police court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried and determined before any justice of the peace in the county of Berkshire, and exclusive jurisdiction whenever all the parties reside in Lee and service of the writ is had on the defendant in said county; and no writ in any such action or suit shall be made returnable before any justice of the peace within said town of Lee, but to said police court only; and an appeal shall be allowed from all judgments of said police court in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justices of said police court shall not be of counsel or attorney to any party in matter or thing whatsoever which may be pending in said court.

Jurisdiction.

Appeal allowed.

SECT. 2. All warrants issued by said court shall be made returnable, and shall be returned, before said court; and no warrant shall be issued by any justice of the peace within the county of Berkshire, except by the standing justice or one of the special justices of said court, for any crime or offence committed within said town of Lee.

Returns of warrants.

SECT. 3. All fines and forfeitures, and all costs in criminal prosecutions, which shall be recovered by or paid into the hands of said justice of said court, shall be, by him, accounted for and paid over, to the same persons, in the same manner and under the same penalties, as are by law prescribed in cases of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

Fines, forfeitures, etc., how accounted for.

SECT. 4. The justice of said court shall be allowed to retain for his annual compensation, out of the fees received by him for his services as said justice, the sum of three hundred dollars for each year, and in the same proportion for any part of a year: *provided*, his fees for services in criminal business amount to the said sum of three hundred dollars per year; if not, he shall be allowed to retain whatever sum of money said fees amount to. And the said justice shall, on or before the first day of January of each year, pay over to the county treasurer of the county of Berkshire, all the surplus fees received by him from said criminal business, over and above said sum of three hundred dollars.

Compensation.

Proviso.

SECT. 5. A court shall be held by said justices at some convenient and suitable place, to be provided at the expense of the said town of Lee, on two several days of each week,

Court, how often to be held.

at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and said courts may be adjourned from day to day, by the justices thereof, and at such other times as may be necessary for the trial of civil suits and actions; and the justice of said court shall from time to time establish all necessary rules for the orderly and uniform conducting of the business thereof. Complaints may be received and warrants issued by him at all reasonable times when said court is not in session.

Justice's fees.

SECT. 6. The justice of said court shall be allowed, as a compensation for his services, in the trial and determination of civil suits, cognizable by said court, under this act, to tax, receive and retain the same fees now allowed by law, to justices of the peace in civil cases.

Justice to keep record and make return.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return, to the several courts, of all legal processes and of his doings therein, in the same manner as justices of the peace are now required by law to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the town of Lee, a true and faithful account of moneys received by him.

Pending actions, how disposed of.

SECT. 8. All suits, actions and prosecutions which shall be instituted and pending before any justices of the peace within the town of Lee when this act shall take effect, shall be heard and determined as though this act had not been passed.

Two special justices.

SECT. 9. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall from any cause be unable to hold said court, or discharge any of the duties required of him by this act, the said special justices shall have power to issue the processes of said court, and to hear and determine any matter or cause pending therein—the said cause being assigned on the record by the standing or special justices; and such special justices, for services rendered, shall be paid, by the standing justice, out of his salary, such sums as justices of the peace are paid for like services.

Compensation.

Justices, appointment of.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices at any time after the passage of this act.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1855.*]

An Act in addition to An Act to establish the City of Worcester.

Chap. 313

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The city council of the city of Worcester is hereby authorized to establish and maintain a fire department in said city of Worcester, consisting of one chief engineer and six assistant engineers, with such number of companies, firemen, hosemen, hook and ladder men and fire policemen as they shall, from time to time, judge to be necessary for the public good.

City council may establish fire department.

SECT. 2. The city council shall annually, in convention of the two branches, elect said chief engineer and six assistant engineers, who shall hold their office for one year from the first Monday of May, next succeeding such election, and until others are chosen and qualified in their places. The said board of engineers shall be governed by the same authority, and exercise the same rights and powers, in relation to the extinguishment of fires as firewards now possess and exercise by law, and the city council may, by concurrent vote, remove any member of the board of engineers, and at any time fill any vacancy, caused by resignation or otherwise.

Chief engineer and six assistants to be chosen annually.

City council may remove, etc.

SECT. 3. The city council may appoint, or may authorize the board of engineers to appoint, such number of firemen, hosemen, hook and ladder men, and fire policemen as they may deem expedient, and cause certificates of membership to be issued, signed by the chief engineer and clerk of the board of engineers, and delivered to each person who may be elected or appointed a member of the fire department. The said board of engineers may also be authorized to discharge any member or company of the fire department, in such manner and on such conditions as the city council shall direct.

Appointment of firemen, hosemen, etc.

SECT. 4. The city council shall fix and ordain, from time to time, the powers and duties of the fire department, in regard to the management of the engines, hydrants, reservoirs and other apparatus belonging to the city, which is used for the extinguishment of fires, and may establish such rules and ordinances as they may deem to be necessary for the conduct of citizens who may be present at any fire, and may annex penalties for the breach thereof, not exceeding twenty dollars for each offence, and the same may be prosecuted for and recovered, by the chief engineer, before any court of competent jurisdiction; and all penalties so recov-

City council may establish duties and powers, rules and ordinances of fire department, etc.

ered shall be appropriated, by the board of engineers, for the improvement of the fire apparatus of said city: *provided*, such rules and ordinances shall not be repugnant to the constitution and laws of the Commonwealth.

Proviso.

Repeal of act.

SECT. 5. From and after the organization of a fire department under this act, and notice thereof, given in one or more newspapers, published in said city of Worcester, by the mayor thereof, the tenth chapter of the special and private statutes of this Commonwealth, entitled "An Act to establish a Fire Department in the Town of Worcester," is hereby repealed.

Act void, unless, etc.

SECT. 6. The provisions of this act shall be void, unless submitted to and approved by the voters of the city of Worcester, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of holding said meetings. [*Approved by the Governor, May 7, 1855.*]

Chap. 314 An Act in relation to Conveyances and Devises of Estates for Religious Purposes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No conveyance, etc., of property to, or in trust for the benefit of, persons in ecclesiastical office, to be deemed valid, except, etc.

SECT. 1. No grant, conveyance, bequest, devise or lease of personal or real estate to, nor any trust of such personal or real estate for the benefit of any person and his successors in any ecclesiastical office, shall vest any estate or interest in such person or in his successor, and no such grant, conveyance, bequest, devise or lease to, or for any such person by the designation of any such office, shall vest any estate or interest in any successor of such person, except as may be already provided for by the statutes of this Commonwealth; and this section shall not be deemed to admit the validity of any such grant, conveyance, bequest, devise or lease heretofore made, except as aforesaid.

No conveyance, e c., for the use of a parish, to vest any right, etc., in any person, except as is now provided by law, unless, etc.

SECT. 2. No grant, conveyance, bequest, devise or lease of any real or personal estate consecrated, dedicated or appropriated, or intended to be consecrated, dedicated or appropriated to the purposes or support of religious or public worship, for the use of any parish, congregation or society, shall vest any right, title or interest in any person or persons to whom such grant, conveyance, bequest, devise or lease may be made, except as may be now provided for by the statutes of this Commonwealth; unless the same shall be made to a parish, religious society or corporation, or-

ganized according to the provisions of the laws of this Commonwealth, regarding parishes and religious societies. But nothing herein contained shall prevent any such parish, religious society or corporation from conveying such property on a *bona fide* sale thereof according to law.

SECT. 3. Any real or personal estate of the description named in section second of this act, and which has been heretofore granted, conveyed, bequeathed, devised or demised to any person or persons in any ecclesiastical office or orders, by the designation of such office or orders or otherwise, except in accordance with the provisions of the existing statutes of this Commonwealth, shall be deemed to be held in trust for the benefit of the parish, congregation or society using the same, and shall, unless previously conveyed to a parish, religious society or corporation, as provided in the last preceding section, upon the death of the person or persons in whom the legal title shall be vested at the time of the passage of this act, vest in the parish, religious society or corporation, occupying or enjoying such estate as aforesaid: *provided*, such a parish, religious society or corporation, organized according to the laws of this Commonwealth, shall be in existence at the time of the decease of the person or persons holding the title thereto.

Estates heretofore conveyed, shall be deemed as held in trust, etc.

Upon death, etc., title to vest in parish.

Proviso.

SECT. 4. In all cases where such trusts are holden, a report of the same shall be made, annually, to the parish, religious society or corporation, for whose benefit such property is holden, under the penalty of fifty dollars for each and every offence, to be recovered by any person prosecuting therefor. And said report shall set forth the condition of said funds, the interest said parish or other religious society may have in the same, the manner in which the said property, whether personal or real, may have accumulated, whether by taxes, pew-rent, donations, bequests or otherwise, and how said funds are invested, or how they may have been expended. And each parish, religious society or corporation, to whom such annual report is made, shall cause an attested record of the same to be kept on their books.

Annual report to be made when property is holden in trust, under penalty of \$50.

To set forth condition of funds, etc.

SECT. 5. In the event such parish, religious society or corporation shall not be organized as aforesaid, then, and in that case, the title of such real estate shall vest in the Commonwealth of Massachusetts, in the same manner, and with the same effect, as estates escheat to the Commonwealth on the decease of intestates leaving no kindred.

Title shall vest in Commonwealth, in certain cases.

SECT. 6. Whenever title to any estate shall vest in the Commonwealth, under and by virtue of the last preceding

Attorney-general to convey, if satisfied, etc.

section, it shall be the duty of the attorney-general of the Commonwealth, and he is hereby authorized, upon his being satisfied that the congregation or society which had used, occupied or enjoyed such estate, for purposes of religious or public worship, prior to the death of the person or persons on whose decease the title thereto vested in the Commonwealth, or for whose use the same was originally granted, conveyed, bequeathed, devised or demised to such person or persons, has been duly organized or incorporated, according to the provisions of the statutes of this Commonwealth, to grant and convey such estate, and all the right, title, and interest of the Commonwealth therein and thereto, to said organized or incorporated congregation or society, for the uses and purposes for which the same was originally granted, conveyed, bequeathed, devised or demised, as aforesaid.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1855.*]

Chap. 315

An Act to establish the Middlesex North Agricultural Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William Spencer, Josiah Gates, and Josiah Bartlett, their associates and successors, are hereby made a corporation by the name of the Middlesex North Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the city of Lowell, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, liabilities and restrictions of other other agricultural societies established in this Commonwealth; and they are hereby authorized to admit members from the towns of Chelmsford, Dracut, Billerica, Tyngsborough, Dunstable, Westford, Tewksbury, Wilmington, Burlington, North Reading, South Reading, and the city of Lowell.

Purpose.

Location.

Powers, privileges, etc.

Members.

Entitled to State bounty on same terms as other agricultural societies.

SECT. 2. Said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive, annually, out of the treasury of the Commonwealth, such sum as any other incorporated agricultural society may receive under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of that chapter. [*Approved by the Governor, May 7, 1855.*]

An Act to authorize the City of Fall River to widen a Street.

Chap. 316

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proper authorities of the city of Fall River, May widen street are hereby authorized to widen Central Street, in said city, in manner provided by law for laying out and altering streets and ways, over the southern portion of an abandoned burial-ground bordering on said street, so as to correspond in width and general direction to the other portions of said street.

SECT. 2. Said city authorities, after giving thirty days' To give notice before removing remains, etc. notice, in two newspapers published in said city, to all relatives and friends of those whose remains may be removed, shall, at its own expense, remove the remains of the dead, in that part of said burial-ground over which said street shall be laid, to such suitable lots, to be furnished by said city in any cemetery in said city, as the said relatives may select, and cause the same to be buried under the direction of such friends and relatives.

SECT. 3. Nothing in this act contained, shall be construed Title not impaired as in any degree impairing the title of the proprietors of said ground, to the part not taken for said street. [*Approved by the Governor, May 7, 1855.*]

An Act to incorporate the Monument Fire and Marine Insurance Com- pany. Chap. 317

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nathaniel Heath, Samuel G. Stinson, and Dun- Corporators. can Bradford, their associates and successors, are hereby made a corporation, for the term of twenty years from the Duration. passage of this act, by the name of the Monument Fire and Marine Insurance Company, to be established in the city of Location. Charlestown, for the purpose of making insurance against losses by fire and against maritime losses; with all the pow- Duties, liabilities, etc. ers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now or may hereafter be in force relative to insurance companies.

SECT. 2. The said corporation shall have a capital stock Capital stock, \$50,000. of fifty thousand dollars, divided into shares of one hundred

In shares of \$100 each
May increase to \$300,000.
Real estate, \$20,000.

dollars each, with liberty to increase the same, to any amount not exceeding three hundred thousand dollars, and may hold real estate, for its use, not exceeding twenty thousand dollars.

Subject to general laws of insurance.

SECT. 3. Said company may transact any business, coming within the purpose of this incorporation, in accordance with the general laws of the State regulating the business of insurance, and shall have the power of determining, by its by-laws, the manner of making and apportioning dividends to its members and stockholders, and such other by-laws for the regulation of its business as shall be consistent with its powers and not repugnant to the laws of this Commonwealth.

Dividends.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1855.*]

Chap. 318 An Act to amend An Act to authorize Towns to take Land for School-houses.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act amended.

SECT. 1. The two hundred and thirty-seventh chapter, of the statutes of the year one thousand eight hundred and forty-eight, is hereby amended, by striking out the word "forty," and inserting therefor, the word *eighty*, in the first section of said statute.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts inconsistent with the first section of this act are hereby repealed.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, May 7, 1855.*]

Chap. 319 An Act to authorize William Eames, of the Town of Marshfield, to propagate and take Herrings or Alewives in the Brook running into Cove Creek.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May propagate herrings and construct fishway.

SECT. 1. William Eames, of the town of Marshfield, in the county of Plymouth, is hereby authorized to propagate herrings or alewives, in his mill pond, in said Marshfield, and shall also have the right to construct a good and sufficient fishway to and from said pond and into Cove Creek, and shall also have the right to catch herrings or alewives in said creek within the distance of forty rods below the dam of said pond: *provided*, said distance does not extend down

Proviso.

said creek below where the stream, running from Carver's Grist Mill, empties into the same.

SECT. 2. All persons taking fish, in the pond and brook named in the first section of this act, without the consent of said William Eames, or who shall cause obstructions to the passage of the fish to and from said pond, shall be liable to a penalty of ten dollars, to be recovered, for the benefit of said Eames, in any court competent to try the same. Penalty for unlawful fishing, etc.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed. Inconsistent acts repealed.

SECT. 4. This act shall take effect from and after its passage, and continue in force twenty years. *[Approved by the Governor, May 7, 1855.]* Duration.

An Act to change the place for holding certain Probate Courts in the County of Plymouth. *Chap. 320*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The terms of the probate courts, which are now, by law, required to be held at Rochester, in and for the county of Plymouth, on the Wednesday next after the first Tuesday of May, in each year; and on the Wednesday next after the first Tuesday of November, in each year, shall hereafter be held at Wareham, in said county; and all matters and processes, which are now returnable to said court, at said Rochester, on the respective days above mentioned, may be returned and acted upon by said court, at said Wareham, on said days. Place of holding probate courts changed.

SECT. 2. This act shall take effect on and after its passage. *[Approved by the Governor, May 7, 1855.]*

An Act for the better establishment of the Police Court of Newburyport. *Chap. 321*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The standing justice of the police court of the city of Newburyport, shall receive an annual salary of not less than eight hundred dollars, the amount of which, if above that sum, shall be determined, not oftener than once in each year, by the concurrent vote of the two branches of the city government of said city; and said salary shall be paid to him in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he now Salary of justice.

is, and shall hereafter be, required or authorized to perform as said justice.

Appointment of clerk.

SECT. 2. The mayor and aldermen of the city of Newburyport, shall forthwith, and hereafter, in the month of January, annually, and whenever a vacancy may occur, appoint a suitable person to be clerk of said police court, who shall be paid for his services, as said clerk, an annual salary, the amount of which shall be determined in the same manner as the salary of the standing justice, and paid in quarterly payments from the treasury of the city.

Clerk, pro tem.

SECT. 3. In case of the absence or death of said clerk, the said justice may appoint a clerk *pro tempore*, who shall be paid *pro rata*,—said pay, in case of absence, to be deducted from the salary of the standing clerk,—and who shall officiate until the standing clerk shall resume his duties, or until another clerk shall be appointed.

Standing clerk to give bond.

SECT. 4. The standing clerk shall be sworn to the faithful discharge of his duties, and shall give bonds to the city in such sum as the board of mayor and aldermen shall, from time to time, order, with a surety or sureties, to the acceptance of the said board, with condition for the faithful performance of the duties of his office and of duties prescribed for him in this act.

To keep separate records.

SECT. 5. The clerk shall attend all sessions of the police court, whether for the transaction of civil or criminal business, and shall keep a true record of all the proceedings of said court; and the record of proceedings in civil cases, shall be kept in a different book, and separate from the records of proceedings in criminal cases.

To make all warrants, etc.

SECT. 6. The said clerk shall make all warrants, writs and processes which shall be ordered by said court, and tax all bills of costs, and receive all fines and forfeitures and fees awarded and payable in said court, and all fees for blanks and copies in civil and criminal suits.

Fines, etc., how disposed of.

SECT. 7. All the fees received by said clerk, both civil and criminal, with all the costs in criminal prosecutions which have been taxed, certified and allowed, and the fines and forfeitures which enure to benefit of the city of Newburyport, shall be collected by said clerk in the mode prescribed by law for justices of the peace, in like cases, and shall be, by him, once a quarter, accounted for in detail and paid over to the treasurer of the city of Newburyport, whose duty it shall be to pay from the costs so received, the officers, witnesses and other persons whose fees have been taxed, certified and allowed by said clerk.

SECT. 8. Whenever the said police court shall be held by either of the special justices thereof, the said special justices shall receive in compensation for their services, the same sum per day that is paid to the standing justice, to be deducted from the salary of the said standing justice. Salary of special justice.

SECT. 9. The said police court, in addition to the jurisdiction which it now has, shall have exclusive jurisdiction of all crimes, offences and misdemeanors committed within the said city of Newburyport, whereof the said police court and justices of the peace for the county of Essex now have jurisdiction; and said police court shall also have original jurisdiction and cognizance of all suits and actions whereof any justice of the peace in the county of Essex now has or hereafter may have, and exclusive jurisdiction, whenever any person, summoned as trustee in any such action, resides in the city of Newburyport and service has been made on said supposed trustee: *provided, however,* that nothing in this act contained, shall prevent any prosecution, within said county, returnable before said court; but no fees shall be allowed to any justice of the peace for any such warrant, unless it shall appear to the court that there was just and reasonable cause for issuing it, and also that nothing in this act, shall prevent any action being returned to the court of common pleas. Jurisdiction. Proviso.

SECT. 10. The standing justice of said court, or either of the special justices, or any justice of the peace for the county of Essex, may issue a warrant under the forty-ninth chapter of the Revised Statutes, and such warrant may be made returnable before said police court; but no justice of the peace, within the said city of Newburyport, shall exercise any further jurisdiction than to issue such warrant; and any party aggrieved, by the judgment of said court, in any case, whether civil or criminal, may appeal therefrom, to the court of common pleas for said county of Essex, in the manner now provided for appeals from said police court. Warrants in certain cases. Appeal allowed.

SECT. 11. Neither the standing justice nor the clerk, shall be retained as counsel or attorney, in any suit, complaint or other proceeding, before said court, nor in any which shall have been heard or examined therein; and neither of the special justices shall be retained or employed as counsel or attorney, in any matter which shall have been heard or examined before them respectively. Justices and clerk not to act as counsel.

SECT. 12. A court shall be holden, by the said standing justice, or one of the special justices, at some suitable place, to be provided by the city, on every day of the week, Sun- Court, how often to be held.

days excepted, at nine o'clock in the forenoon, to take cognizance of crimes, offences and misdemeanors, and on one day in each fortnight, at ten o'clock in the forenoon, and by adjournment as much oftener as may be necessary, for the entry and trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules, for the orderly and uniform conducting of the business thereof.

Jurisdiction not limited.

SECT. 13. The jurisdiction of the police court of the city of Newburyport, shall not be limited by reason of any interest, on the part of the justices of said court, or either of them, in the payment of fines and costs into the treasury of the city of Newburyport or of the county of Essex.

Inconsistent acts repealed.

SECT. 14. All acts or parts of acts, inconsistent with this act, are hereby repealed.

SECT. 15. This act shall take effect from and after the first day of June, next. [*Approved by the Governor, May 9, 1855.*]

Chap. 322 An Act to incorporate the Woburn Lyceum Hall Association, in Woburn.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Abijah Thompson, J. B. Winn and J. P. Converse, their associates and successors, are hereby made a corporation, by the name of the Woburn Lyceum Hall Association, for the purpose of erecting in the town of Woburn buildings necessary and convenient for a public hall; with all the privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that no part of said property shall be at any time leased, let or used, for illegal purposes.

Purpose.

Real and personal estate not to exceed \$50,000.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient, for the purposes aforesaid, not exceeding in amount, fifty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 9, 1855.*]

An Act concerning the Study of Anatomy.

Chap. 323

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The powers and duties conferred upon overseers of the poor, by the two hundred and forty-second chapter, of the acts of the year eighteen hundred and forty-five, are hereby also conferred upon the overseers and superintendents of State almshouses. Powers, etc., conferred upon overseers of the State almshouses.

SECT. 2. No person shall buy, sell, or have in his possession, for the purpose of buying or selling, or otherwise trafficking in, any human dead body. Trafficking, etc., prohibited.

SECT. 3. Any person who shall be convicted of violating the provisions of the second section of this act, shall be subject to a penalty of not less than fifty nor more than five hundred dollars, or to imprisonment in the county jail, for a term not less than three months nor more than three years. Penalty for violation. [Approved by the Governor, May 10, 1855.]

An Act to regulate the Fisheries of the Oyster Pond River Company in the Town of Falmouth. Chap. 324

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Gifford, Stephen Dillingham, their associates and successors, in the town of Falmouth, in the county of Barnstable, are hereby authorized, under the name of the Oyster Pond River Company, to regulate the river running from Oyster Pond to Hogg Island Harbor, so far as is necessary for an alewife fishery; said company to have sole control and benefit of said fishery: *provided*, that Alewife fishery. Proviso. no individual rights shall be infringed thereby.

SECT. 2. All persons unlawfully taking fish from said pond or river, or causing obstructions to the passage of fish to or from said pond or river, shall be liable to a penalty of not less than two nor more than twenty dollars, to be recovered in any court competent to try the same, for the use of the person who shall sue therefor. Penalty for unlawful fishing, etc.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1855.]

Chap. 325 An Act to authorize the First Baptist Church and Society, in Swanzev, to sell Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Church and society may sell real estate.

SECT. 1. The First Baptist Church and Society, in Swanzev, is hereby authorized to sell certain real estate which said church and society now hold and possess ; it being lands laid out and reserved, by the original proprietors of said Swanzev, for the support and maintenance of public worship of Almighty God, called Teachers' and Pastors' Lands.

Trustees to execute deed.

SECT. 2. The trustees of said church and society, for the time being, shall hereby have power to deed a part or all of the said land to any purchaser or purchasers, and the proceeds of such sale shall be safely invested, and the income, only, expended annually for the purposes for which the said lands were originally granted.

Proceeds to be invested, etc.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1855.]

Chap. 326 An Act in further addition to the Act to incorporate the New England Mutual Life Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May purchase and hold real estate.

The New England Mutual Life Insurance Company may purchase real estate in the city of Boston, to hold, and may hold real estate, so purchased, to an amount not exceeding one-fourth part of the accumulated fund of said company, at the time of making any such purchase. [Approved by the Governor, May 10, 1855.]

Chap. 327 An Act in addition to An Act to establish a Fire Department in the Town of Haverhill.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1851 amended.

SECT. 1. The second section of the forty-ninth chapter of the acts passed in the year one thousand eight hundred and forty-one, entitled "An Act to establish a Fire Department in the Town of Haverhill," is hereby amended, so that the board of engineers may be allowed to expend any sum, not exceeding six hundred dollars in any one year, for the purposes specified in the seventh section of the one hundred

May expend not exceeding \$600 in any one year, for certain purposes.

and thirty-eighth chapter of the acts passed in the year one thousand eight hundred and thirty-nine, unless the town shall have authorized a larger appropriation.

SECT. 2. This act shall be void, unless it shall be accepted and approved, by the legal voters of said town of Haverhill, at a meeting held for that purpose. *[Approved by the Governor, May 10, 1855.]* Act void, unless, etc.

An Act to establish the Salary of the Attorney of the Commonwealth for the County of Suffolk. Chap. 328

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first day of June next, the attorney of the Commonwealth for the county of Suffolk shall receive a salary of three thousand dollars a year, to be paid quarterly out of the treasury of said Commonwealth, and to be in full for all services rendered by him; and he shall render, to the treasurer of said county, a quarterly account, of all fees, bills of costs and moneys received by him by virtue of his office, and shall account with the treasurer of the Commonwealth for the same. Salary, \$3,000 a year.

SECT. 2. Section second of the sixty-seventh chapter of the statutes of the year eighteen hundred and forty-five is hereby repealed. *[Approved by the Governor, May 10, 1855.]* Part of act repealed.

An Act in further addition to the several Acts concerning Husband and Wife. Chap. 329

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever any instrument, made under or by virtue of the third and fourth sections of the act approved the twenty-fifth day of March, in the year one thousand eight hundred and forty-five, entitled "An Act in addition to the several Acts concerning Husband and Wife," shall be recorded after the expiration of ninety days, from the delivery thereof, such record shall be valid and effectual as against any conveyance, attachment on mesne process, or seizure on execution, made after such recording. *[Approved by the Governor, May 10, 1855.]* Certain instruments made valid against conveyance, etc.

Chap. 330 An Act to authorize Nathan Mathews, Edward D. Peters and Company, and the Winnisimmet Company to extend their Wharves in the Town of Chelsea.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Extension of
wharves.

SECT. 1. Nathan Mathews, Edward D. Peters and Company, and the Winnisimmet Company are hereby authorized to extend their wharves on Marginal Street, and also their wharf adjoining the shipyard of Jotham Stetson, on Medford Street, in the town of Chelsea, to the line established by "An Act to preserve that part of the Harbor of Boston called Chelsea Creek, and to prevent encroachments therein," passed in the year one thousand eight hundred and forty-nine; and they shall have the right to lay vessels at the end and sides of said wharves and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: and

Rights, etc.

Proviso.

Provided, also.

provided, also, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other, than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1855.*]

Chap. 331 An Act in addition to an Act to incorporate the Millbury and Southbridge Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May divide road
into sections, etc.

SECT. 1. The Millbury and Southbridge Railroad Company, to facilitate the construction of their road, is hereby authorized and empowered to divide the same into three sections, as follows: The westerly section to commence at some convenient point in the town of Webster or Dudley, and extend to the western terminus of said road in the town of Southbridge. The remainder of the chartered line of the road of said company shall be divided into two sections, in such manner as the directors of said company may deem most convenient for construction.

SECT. 2. Before said company shall commence the construction of any section of their road, they shall, by a competent engineer, cause to be made an accurate estimate of the expense necessary for the construction of such section; and said company shall not commence the construction of any section of their road till a *bona fide* subscription to their stock shall be made to an amount equal to the estimated cost of such section made as aforesaid. And furthermore, said company shall not commence the construction of any section of their road, until a certificate shall have been filed with the secretary of the Commonwealth, subscribed and sworn to by the president of said company and a majority of the directors thereof, stating that the amount hereinbefore required to be subscribed, before commencing the construction of said section, has all been subscribed for by responsible parties, and that twenty per cent. of the same has actually been paid in; and no share of said stock shall be issued at less than the par value named in the charter; and if any section or sections of said road shall not be constructed within the time prescribed by law, this act, and the act to which it is in addition, shall be void, so far as such sections are concerned, and no further, any thing in such acts to the contrary notwithstanding.

Engineer to estimate expenses of construction.

Not to commence construction till *bona fide* subscription be made and a certificate thereof filed with secretary of the Commonwealth.

Act void, unless, etc.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1855.]

An Act to authorize William Cook to extend his Wharf.

Chap. 332

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William Cook, proprietor of a wharf in the town of Duxbury, is hereby authorized to extend and maintain the same into the harbor, to a distance not exceeding five hundred feet, including the present structure: *provided*, that the said wharf shall not extend into the harbor so as to impede the navigation of said harbor; and he shall have the right to lay vessels at the said wharf, and receive dockage and wharfage therefor: *provided*, that this act shall in no wise impair the legal rights of any person. [Approved by the Governor, May 15, 1855.]

May extend wharf.

Proviso.

Right, etc.

Chap. 333 An Act to incorporate the Nantucket and Cape Cod Steamboat Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Mathew Starbuck, John H. Shaw, Amos Otis, Edward W. Perry, Alexander Baxter, Reuben Hallett, James Easton, 2d, Isaac Macy, Edward Field, their associates, successors and assigns, are hereby made a corporation by the name of the Nantucket and Cape Cod Steamboat Company, for the purpose of running steamboats and sailing vessels, for the convenience of the public travel and the transportation of merchandise, between Nantucket and Hyannis, and between Nantucket and other ports and places, and for the towing of ships and vessels; with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, privileges, etc.

Capital stock,
\$60,000.

SECT. 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid, but the capital stock of said company shall not exceed sixty thousand dollars.

No shares issued
under par.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued, and the par value is hereby fixed at one hundred dollars for each share. [*Approved by the Governor, May 15, 1855.*]

Chap. 334 An Act relating to the Salaries of certain Officers in the State Prison.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salaries estab-
lished.

SECT. 1. From and after the first day of April, in the year one thousand eight hundred and fifty-five, the salaries of the turnkeys and watchmen, clerk and chaplain, at the State Prison, shall be as follows, to wit: Each turnkey shall receive eight hundred dollars, and the watchmen shall receive seven hundred and fifty dollars, and the clerke eleven hundred dollars, and the chaplain eleven hundred dollars, each per year, which sums shall be paid in quarterly payments by the warden out of the treasury of the prison.

Inconsistent acts
repealed.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, May 15, 1855.*]

An Act to establish the East Boston Free Bridge.

Chap. 335

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Henry D. Gardner, Morrell Cole, Watson G. Mayo, Noah Sturtevant, George W. Gerrish, Henry Jones, their associates and successors, are hereby made a corporation by the name of the East Boston Free Bridge. Corporators.

SECT. 2. Said corporation is hereby authorized to build a bridge across Chelsea Creek from a point beginning on the north line of Condor Street, at a point where the westerly line of Meridian Street, if produced, would strike the north line of Condor Street, then running easterly on the last mentioned line forty feet, then turning and running northerly (at a right angle with said Condor Street) straight to the commissioners' line on Chelsea Creek, so called; commencing again at the point of beginning, and running northerly towards the channel parallel with, and forty feet distant from the last mentioned line, and at right angles with said Condor Street, extending from Condor Street to the commissioners' line, thence across the channel of Chelsea Creek to the commissioners' line on the Chelsea side, thence to Pearl Street in said Chelsea, as it now is. Which bridge shall be well built of good materials, not less than forty feet wide, with sufficient railings for the protection of passengers, with a pivot or turn-table draw made upon E. G. Brown's plan, with two openings, each not less than sixty feet wide; which draw shall, at all times, on demand, be opened for the passage of vessels that cannot pass under said bridge. And in case any such vessel, about to pass said bridge, shall be detained more than thirty minutes, the corporation shall forfeit and pay to the owner or owners of such vessel, a sum not less than two nor more than ten dollars, to be recovered by action of contract in any court proper to try the same, and no toll shall be demanded of any person or persons who shall pass over said bridge. Said corporation shall not build said bridge until a good and sufficient bond, to be approved by the treasurer of this Commonwealth, in the penal sum of five thousand dollars, shall be filed in the office of said treasurer, conditioned to pay all penalties and forfeitures that may be incurred, within the meaning and intent of this act. Said corporation shall be liable for all damages to travellers over said bridge, happening through any defect of the same, in the same way and manner as the towns are liable for defects in public

May construct bridge. Boundaries.

40 feet wide, with draw, etc.

Forfeit for detention of vessels.

Toll free.

Bond to Commonwealth.

Corporation liable for damages, etc.

highways and bridges, and the condition of the bond, herein before mentioned, shall also provide for the payment of all damages which may be so sustained.

Corporation to hold charter for benefit of Boston and Chelsea.

SECT. 3. The said corporation are to receive, hold and conduct said charter or act of incorporation, for the benefit of the city of Boston and the town of Chelsea, in the county of Suffolk, subject however to the free use of said bridge to the public, and with right to transfer said charter.

Act void, unless, etc.

SECT. 4. If said bridge is not built, within five years after the passing of this act to build said bridge, then the said act shall be void. [*Approved by the Governor, May 15, 1855.*]

Chap. 336 An Act to incorporate the Medford and Charlestown Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James M. Usher, James O. Curtis, Samuel Teel, Jr., Albert Hanscom, Edwin Wright, their associates and successors, are hereby made a corporation, by the name of the Medford and Charlestown Railroad Company, with power

May construct railway.

to construct, maintain and use a railway or railways, with convenient single or double tracts, from such point or points

Location.

of the town of Medford as shall be fixed by the selectmen of said town, with the assent of said corporation, in writing, expressed, and filed with said selectmen, and upon and over such of the streets and highways of said town as shall be from time to time fixed and determined, by said selectmen, with the written assent of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the town of Somerville, and thence upon and over such of said streets as shall be, from time to time, fixed and determined, by the selectmen of said Somerville, with the assent, in writing, of said corporation, filed with said selectmen, and also over and on such other land in said Medford and Somerville as said corporation may elect to build their road over and upon, to some point where said railroad shall intersect, in said Somerville, with the railroad of the Middlesex Railroad Company: *provided, however,*

Proviso.

that all tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns respectively shall, in their orders fixing the routes of said railroad, determine to be for the public safety and con-

venience. And said corporation shall have power to fix, Rates of fare. from time to time, such rates of compensation, for transporting persons or property, as they may think expedient; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Notice to Notice to abutters. abutters on streets, in which it may be proposed to lay the tracks of said corporation, shall be given by the publication in one or more newspapers published in the said towns of Somerville and Charlestown respectively, if there be any such newspaper or newspapers, fourteen days, at least, before the location of any such tracks, and also by posting up in three public places, in each of the towns of Medford and Somerville, notices of said proposed location fourteen days, at least, prior to such location: *provided, however,* that, at Proviso. any time after the expiration of one year from the opening, for use, of the tracks of said railroad, in any street in which the same may be located, as provided by this charter, the selectmen of Medford and Somerville respectively, may, by vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective towns, that the same, or any part thereof, be discontinued; and thereupon the said location shall be deemed to be revoked, so far as regards such part as they shall order to be discontinued, and the tracks in that part thereof shall be forthwith taken up and removed, in conformity with such vote or order of said selectmen: *provided,* such taking up and removal shall be at the expense of said railroad company.

SECT. 2. The corporation hereby created, may enter upon May use other tracks. and use the track of the Middlesex Railroad Company, in such mode and upon such rates of compensation as may be agreed upon; or, in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court.

SECT. 3. Either of said towns of Medford or Somerville may, at any time after the continuance of the charter of said corporation, and after the expiration of ten years from the opening of said road, or any part thereof, for use, purchase that part of the corporate property of the company which relates to, or lies within, their limits, paying therefor a just proportional part of the sum which will then reimburse to each person, who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of the said Towns may purchase, etc.

stock to him, on the books of the corporation, deducting therefrom the dividends received by said stockholders thereon, to be ascertained by commissioners to be appointed by the supreme judicial court.

To be operated by horse power only.

SECT. 4. Said tracks or roads shall be operated and used, by said corporation, with horse-power only, and it shall not connect its track with any other railroad on which steam-power is used. The selectmen of said towns shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.

Corporation to keep in repair streets and bridges, etc.

SECT. 5. Said corporation shall keep and maintain in repair such portion of the street and bridges respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks, roads or bridges; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay to such towns respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits in which recovery may be had; and said corporation shall not incur any portion of the streets or bridges, not occupied by said road or tracks.

Penalty for obstructing, etc.

SECT. 6. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine, not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Same subject.

SECT. 7. If said corporation, or its agents or servants, shall, wilfully and maliciously, obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine, not exceeding five hundred dollars.

Capital stock, \$100,000, in shares of \$100 each.

SECT. 8. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 9. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes and management of said road. May hold real estate.

SECT. 10. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the selectmen of said towns respectively may, in their votes fixing and determining the routes thereof as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the selectmen of the town within which such alteration is to be made. Grade and gauge of road.

SECT. 11. Nothing in this act shall be construed to prevent the selectmen of either of said towns from entering upon and taking up any of the public streets or bridges, traversed by said railroad, for any purpose for which they may now lawfully take up the same. Act not to prevent authorities, etc.

SECT. 12. This act shall be void, so far as relates to the right to construct said road in either of said towns, unless the same shall be accepted by the selectmen of such towns respectively, and unless the same shall be accepted by said corporation, and unless ten per cent. of the capital stock thereof shall be paid in within three years from and after the passage of this act. Act void, unless, etc.

SECT. 13. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land, outside of the streets, taken by them for their track, but not to the other general provisions of law in relation to railroad corporations. Returns.

SECT. 14. The existence of said corporation is hereby limited to the period of fifty years from the passage of this act: *provided, nevertheless*, that the legislature may, at any time, repeal this act, or limit, restrict or annul any powers herein granted. *[Approved by the Governor, May 15, 1855.]* Duration. Proviso.

Chap. 337 An Act to authorize the Town of Nantucket to regulate the Fisheries in all the Ponds, Creeks and Harbors in the County of Nantucket.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May make by-laws.

SECT. 1. The town of Nantucket is hereby authorized and empowered, at any legal meeting of the inhabitants of said town, to make such by-laws as may be deemed expedient, to preserve and protect the fisheries in all the ponds and creeks within the county of Nantucket: *provided*, such by-laws do not infringe on the private rights of any person.

Proviso.

SECT. 2. This act shall take effect on and after its passage. [*Approved by the Governor, May 15, 1855.*]

Chap. 338

An Act to incorporate the Union Railway Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John C. Stiles, Moses M. Rice, and T. Russell Jencks, their associates and assigns, are hereby made a corporation, by the name of the Union Railway Company, for the purpose of leasing the Cambridge Railroad and any other connecting road; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and they shall be deemed a railroad company so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, but not to the other general provisions of law relating to railroads.

Purpose.

Powers, duties, etc.

Annual returns.

May contract with other railroads.

SECT. 2. Said company are hereby authorized to contract with the Cambridge Railroad Company, or any railroad that may enter upon or connect with said Cambridge Railroad, to do and perform all the transportation of persons and freight upon and over such railroads, upon such terms and conditions as may be mutually agreed upon by the parties.

Cities may purchase, etc.

SECT. 3. The mayor and aldermen of the cities of Cambridge and Boston respectively, shall have power, at all times, to make all such regulations as to the rate of speed and manner of running the trains, as the public convenience and safety may require.

Capital stock, \$200,000.

SECT. 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into

Shares \$100 each. No shares to be issued under par.

shares of one hundred dollars each; and no share of the capital stock shall be issued for a less sum, to be actually

paid in on each, than the par of those first issued. Said company may hold such real and personal estate as may be necessary or convenient for the purposes aforesaid. [Approved by the Governor, May 15, 1855.] May hold estate necessary, etc.

An Act to incorporate the Boston Ladies' Bethel Society.

Chap. 339

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Martha V. Ball, Rebecca A. Sibley, and Emily Woodman, their associates and successors, are hereby made a corporation by the name of the Boston Ladies' Bethel Society; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Powers, duties, etc.

SECT. 2. The said corporation may hold personal and real estate to an amount not to exceed fifty thousand dollars, and may expend the same, or any part of the same, for the erection of a house of public worship among seamen, or in any other way to promote piety and the worship of God among seamen. [Approved by the Governor, May 15, 1855.] Real and personal estate not to exceed \$50,000. How expended.

An Act in relation to the Accounts of Committees of the Legislature.

Chap. 340

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of the thirty-third chapter of the acts of the year eighteen hundred and fifty-two, are hereby extended so as to apply to the accounts of committees of the legislature. Items to be specified.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 15, 1855.]

An Act to authorize the Boston and New York Central Railroad Company to issue Preferred Stock.

Chap. 341

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and New York Central Railroad Company, are hereby authorized to increase their capital stock, by the issue of shares not exceeding twenty thousand in number: *provided, however*, that no such share shall be issued for a less amount than the par value of one hundred dollars: and *provided, also*, that the existing debt of said May issue preferred stock. Proviso.

company, with the interest which has or shall hereafter accrue, may be converted into said stock; and the holders thereof are hereby authorized to pay for said shares by surrendering to said company their said claims, and giving a discharge in full therefor to said company, in the ratio of one hundred dollars of debt to one share of said new stock.

Dividends on first class.

SECT. 2. Said new stock shall be deemed preferred stock of the first class, and the holders thereof shall be forever entitled to the first dividends of the net earnings of the railroad of the said company to an amount not exceeding six per cent. per annum per share, payable semi-annually.

Stockholders paying, etc., entitled to shares of first and second class.

SECT. 3. Any stockholder of said company paying to said company one hundred dollars, in cash, at such time or times, and in such manner as the directors of said company shall determine, shall be entitled to one share of said first class of preferred stock, and shall also thereby have the right to have two shares of the present stock owned by him put into a second class of preferred stock; and the holders of said second class of preferred stock shall be forever entitled, after the dividends have been made as provided in section second, to the second dividends of the net earnings of the railroad of the said company, to an amount not exceeding six per cent. per annum per share, semi-annually.

Dividends on unpreferred stock.

SECT. 4. After the said dividends shall have been made to the holders of said first and said second class of preferred stock, the holders of the present stock, not preferred, shall be forever entitled to the third dividends of the net earnings of said company, to an amount not exceeding six per cent. per annum per share, payable semi-annually.

Surplus.

SECT. 5. After said dividends shall have been made as hereinbefore provided, if upon any year there shall remain a surplus of the net earnings of the railroad of said company, the same shall be divided equally between the holders of all the stock of said company, share and share alike.

When to take effect.

SECT. 6. This act shall not take effect, until said company, at a special meeting of its stockholders, duly notified for that purpose, shall have assented to the provisions thereof and have accepted the same. [*Approved by the Governor, May 15, 1855.*]

An Act to incorporate the Lynn Five Cents Savings Bank.

Chap. 342

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Hood, Andrews Breed, Thomas B. Corporators.
Newhall, William T. Johnson, A. S. Moore, Dean Peabody,
Charles B. Holmes, I. C. Breed, John Batchelder, Charles
Merritt, their associates and successors, are hereby made a
corporation by the name of the Lynn Five Cents Savings Bank, to be established in the city of Lynn; with all the
powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of
the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Name.
Powers, privileges, etc.

SECT. 2. Said corporation shall receive on deposit sums as small as five cents. Deposits.

SECT. 3. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. Trustees to pay to minors.
Minor's receipt valid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

An Act to reduce the Capital Stock of the Commercial Insurance Company of Nantucket. Chap. 343

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Commercial Insurance Company of Nantucket are hereby authorized to reduce their capital stock, from one hundred thousand dollars, to the sum of fifty thousand dollars, and to divide the excess among the stockholders proportionally; and the said reduced capital stock shall be divided into one thousand shares of fifty dollars each. Capital stock reduced to \$50,000.
Shares \$50 each.

SECT. 2. This act shall not take effect until by re-assurance or compromise with the assured, said corporation shall have protected or relieved itself from so much of any outstanding risk as exceeds the sum of ten per centum of its When to take effect.

Ten per cent. of
reduced capital
on one risk.

reduced capital, and that hereafter said corporation shall not take any sum on any one risk exceeding ten per centum of the amount of its reduced capital. [*Approved by the Governor, May 15, 1855.*]

Chap. 344 An Act to authorize the Directors of the Hancock Free Bridge Corporation to release certain Lands in Cambridgeport.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Directors author-
ized to release
rights of corpora-
tion in certain
lands, etc.

SECT. 1. The Directors of the Hancock Free Bridge Corporation are hereby authorized to release to the owners of lands lying on either side of their Causeway in Cambridgeport, the right, title, interest and estate of the said corporation in and to lands on either side of said Causeway, whether such rights be easements, incumbrances, restrictions, or in fee, or howsoever otherwise.

Duration.

SECT. 2. This act shall take effect from the date of its passage, and shall continue in force three years. [*Approved by the Governor, May 15, 1855.*]

Chap. 345 An Act authorizing a Sale of the Real Estate of "The Proprietors of the Meeting-house in Federal Street, in the Town of Boston."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Prudential com-
mittee authorized
to sell real estate,
etc.

The prudential committee of "The Proprietors of the Meeting-house in Federal Street, in the Town of Boston," are hereby authorized to sell the real estate of the said corporation in Channing Street, in the city of Boston, and to purchase other real estate, to be used and occupied as a place of public worship by the said proprietors, and to execute, deliver, and take any and all conveyances necessary to complete the said sale and the said purchase: *provided*, that they shall be authorized so to do by a vote of the majority of the said proprietors actually present and voting at a legal meeting thereof. [*Approved by the Governor, May 15, 1855.*]

Proviso.

An Act in addition to An Act incorporating the Norfolk and Bristol Turnpike Corporation. *Chap. 346*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Norfolk and Bristol Turnpike Corporation, are hereby authorized and empowered to discontinue that portion of the turnpike near the Forest Hills Station, at West Roxbury, at which the Boston and Providence Railroad crosses at grade; and are further empowered to avail themselves of any road laid out by county or town authorities, by which they can continue their turnpike under or over the railroad, and connect said turnpike by means of said county or town road; and the authority hereby given to discontinue shall extend to any portion of the turnpike which lies between the termini of the county and town road which is to connect the turnpike. May discontinue portion of turnpike, etc.

SECT. 2. In case of the discontinuance of the portion of the turnpike above described, the said Turnpike Corporation are authorized to alter the location of their toll-gate, so as to secure the same rights now existing by virtue of their charter. *[Approved by the Governor, May 15, 1855.]* Location of toll-gate.

An Act to unite the Western, the Albany and West Stockbridge, and the Hudson and Boston Railroads. *Chap. 347*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Western Railroad Corporation, existing in the Commonwealth of Massachusetts, is hereby authorized to unite and consolidate with itself, in one corporation, and with their consent, the Albany and West Stockbridge Railroad Company, and the Hudson and Boston Railroad Corporation, existing in the State of New York, at such times and upon such terms as may be mutually agreed upon by the parties—such united corporation to be called the Boston and Albany Railroad Corporation. Union of railroads

SECT. 2. The corporation united and formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which, at the time of such union, may be held and enjoyed by the several uniting corporations, and shall be subject to all the duties, restrictions, obligations and liabilities to which, at the time of such union, they may be severally subject; and neither of said Powers, etc., of corporation.

corporations shall be, by such union, released from any liability or obligation under which it may be to any person or party, nor shall existing liabilities or the rights of creditors, be, in any way, impaired by this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

Chap. 348

An Act to incorporate the Cape Cod Telegraph Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. That William B. Clum, Walter H. Gilson, and Charles Spear, their associates and successors, are hereby incorporated by the name of the Cape Cod Telegraph Company, for the purpose of constructing and maintaining a line of telegraph from Boston to Provincetown, with branch lines to Holmes's Hole, Nantucket, Fall River and New Bedford, with all the powers and privileges necessary to construct and maintain the same.

Purpose.

Powers, privileges, etc.

SECT. 2. The said corporation shall have authority and power to erect and maintain such telegraphic lines, in all and each of the cities and towns through which such lines must necessarily pass, and to sink submarine cables of wires in such places as may be necessary, subject to all the provisions, restrictions and duties, and entitled to all the privileges and immunities, provided in the statutes relating to telegraphs, being chapter ninety-three of the acts of the year eighteen hundred and forty-nine, and chapter two hundred and forty-seven of the acts of the year eighteen hundred and fifty-one. The said corporation being also liable to all the restrictions and duties, and entitled to all the privileges and immunities, which are provided and set forth in the forty-fourth chapter of the Revised Statutes.

Capital stock,
\$30,000.

May increase to
\$75,000.

SECT. 3. The capital stock of said corporation shall be thirty thousand dollars, with the privilege of increasing the same to seventy-five thousand dollars, or to any sum within that limit, if the corporation shall see fit so to do, and may hold real estate to the amount of ten thousand dollars.

[*Approved by the Governor, May 15, 1855.*]

An Act to incorporate the Somerset Ferry Company.

Chap. 349

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Daniel B. Eddy, John Q. Pierce and Joseph Corporators.
Marble, their associates, successors and assigns, are hereby
made a corporation for the purpose of establishing a Ferry Purpose.
for conveying passengers, carriages, teams, cattle and mer-
chandise, across Taunton River, to and from the town of
Somerset, in the county of Bristol, to the opposite shore,
being in the northerly part of the city of Fall River, in the
county aforesaid; with all the powers and privileges, and Powers, privi-
leges, etc.
subject to all the duties, restrictions and liabilities, set forth
in the thirty-eighth and forty-fourth chapters of the Revised
Statutes: and said corporation shall have exclusive right to
run said ferry for the term of ten years from the passage of Duration.
this act.

SECT. 2. Said corporation may hold, for the purposes Real estate,
\$25,000.
aforesaid, real estate to the amount of twenty-five thousand
dollars, and the whole capital of said corporation shall not
exceed fifty thousand dollars, and they shall be held liable Whole capital not
to exceed
\$50,000
to afford all necessary accommodation for ferriage across
said river.

SECT. 3. The rate of ferriage shall be established and Ferriage.
regulated by the commissioners of the county aforesaid.
[Approved by the Governor, May 15, 1855.]

An Act to prevent Obstructions to Highways and Townways by Railroads. Chap. 350

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every railroad corporation which has been, or Railroads to ob-
tain decree of
county commis-
sioners crossing
highways, etc.
which shall hereafter be, established, shall, before proceed-
ing to construct any crossing upon, over or under any
highway or townway, obtain the decree of the county com-
missioners for the county in which such crossing may be
situated, prescribing what alterations may be made in such
highway or townway, and the manner in which, and the time
within which, any alterations or structures required by said
commissioners at such crossings shall be made. And every
such railroad corporation shall, before proceeding to enter
upon or alter any highway or townway, give security to the
satisfaction of said commissioners, to the city or town in Shall give secu-
rity.

which such crossing may be situated, that such corporation will, within the time and in the manner specified in the decree of said commissioners, as above provided, and to their acceptance, make and complete such alterations and structures as shall be required by such decree, and to indemnify and save harmless the city or town in which such crossing is situated, from all damages, charges and expenses, which may be incurred by such city or town by reason of the non-performance of the decree of said commissioners, as before provided. And no railroad corporation shall hereafter have any right to excavate or alter any highway or townway, until they shall have obtained the decree and given the security provided for in this section.

County commissioners may, upon application, prescribe alterations, etc.

SECT. 2. If any railroad corporation which has been, or which shall hereafter be, established, shall cross any highway or townway, in such a manner as to cause an obstruction to such highway or townway, or shall refuse or neglect to erect or keep in proper repair any bridges or other structures which may be required or necessary at such crossings, the county commissioners for the county in which such crossing may be situated, may, upon the application of the selectmen of any town, or the mayor and aldermen of any city, in which such crossing may be situated, and after due notice to such corporation, pass a decree prescribing what alterations, structures or repairs, such corporation shall make at such crossings, and the time within which they shall be made; and said commissioners may further order such corporation to give security, to the satisfaction of said commissioners, to such city or town, that they will, in the manner and within the time prescribed in such decree, make and complete the alterations, structures or repairs, prescribed in such decree, and save such town or city harmless from, and indemnified against all damages, charges and expenses, which may be incurred by such town or city, by reason of the non-performance of the decree of said commissioners, as provided in this section. And if such town or city shall be the prevailing party, such corporation shall pay the cost of such application.

Costs of application.

S. J. Court may issue injunction in certain cases.

SECT. 3. Whenever it shall be made to appear to the supreme judicial court, or any justice thereof, in term time or vacation, upon the petition of the selectmen of any town, or the mayor and aldermen of any city, that any railroad corporation heretofore, or which may be hereafter, established, has excavated or altered any highway or townway, without obtaining the decree and giving the security required by the

first section of this act, or has neglected or refused, for the space of fifteen days, to give security as required by the second section of this act, said court, or any justice thereof, shall have power, by injunction or other suitable process, according to the practice of courts of equity, to restrain and prohibit any such railroad corporation from entering upon, altering, excavating or crossing, any such highway or townway, either at grade or above or below grade, until such decree shall be obtained or such security given.

SECT. 4. Any city or town shall be entitled to recover of any railroad corporation whose railroad shall cross any highway or townway in such city or town, all damages, charges and expenses, which shall be incurred by said city or town, by reason of the neglect or refusal of any such railroad corporation to erect, or keep in repair, any structures which may be required or necessary at any such crossing.

Towns, etc., may recover damages.

SECT. 5. The supreme judicial court, or any justice thereof, either in term time or vacation, shall have power, by injunction or other suitable process, according to the practice of courts of equity, to compel any railroad corporation to comply with the provisions of chapter two hundred and seventy-one of the acts of eighteen hundred and forty-six, entitled "An Act relating to Railroads," and may restrain and prohibit any such railroad corporation from crossing any turnpike, highway or townway, or using any land, if they shall unreasonably neglect or refuse to comply with the provisions of said acts, until the provisions of said act are complied with.

S. J. Court may compel railroads to comply with act of 1846, ch. 271.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

An Act to repeal a part of the one hundred and twenty-eighth chapter of the Revised Statutes. *Chap. 351*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The twenty-fourth, twenty-fifth, and twenty-sixth sections of the one hundred and twenty-eighth chapter of the Revised Statutes, are hereby repealed. [*Approved by the Governor, May 15, 1855.*]

Ch. 128, sec. 24, 25, 26 R. S., repealed.

Chap. 352 An Act in addition to "An Act for incorporating certain Persons for the purpose of building a Bridge over Acushnet River, in the Town of New Bedford."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
erect pile piers.

SECT. 1. The proprietors of the New Bedford Bridge are hereby authorized and empowered to erect and maintain, in that part of Acushnet River running between Fish Island and the west shore of said river, two suitable pile piers, of not more than seventy feet each in length, for the support and protection of the ends of the draw when opened ; said piers shall be erected, one on the north and the other on the south side of said bridge, respectively ; the west sides of said piers shall be in a line with the west line or face of the east abutment of said draw ; and the west line of said piers and the west face or line of said east abutment of said draw shall be parallel with a line drawn from the north-east corner of Parker's Wharf to the north-east corner of Samuel Rodman's Wharf ; the south-west corner of the south pier shall be ninety-five feet east of Parker's Wharf.

Restrictions, etc.

SECT. 2. In constructing said piers, the piles shall not be nearer to each other than six feet in the direction of the stream and eight feet in a transverse direction ; no boards, plank or joist shall be used below high-water mark ; no stones shall be placed upon the bed of the river, unless they are required to hold the ends of the piles in a steady position ; and under no circumstance shall the depth of the water be shallowed more than two feet.

Rights, duties,
etc.

SECT. 3. The proprietors of the New Bridge are hereby entitled to all the rights, privileges and powers, and shall be subject to all the duties, liabilities and restrictions, set forth and reserved in the forty-fourth chapter of the Revised Statutes : *provided, however*, this act shall be void unless the proprietors of said bridge shall, at a meeting legally called for that purpose, within two years from the passage of this act, accept the same, and shall, within ten days after said meeting, make return of such acceptance into the office of the secretary of the Commonwealth. [*Approved by the Governor, May 15, 1855.*]

Proviso.

An Act to authorize the First Congregational Society of Provincetown to sell Real Estate. *Chap. 353*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The First Congregational Society in Provincetown is hereby authorized to sell a certain lot of land in said Provincetown, formerly the site of a meeting-house, belonging to the said First Congregational Society. Authorized to sell a certain lot of land.

SECT. 2. The parish committee for the time being, shall hereby have power to deed the said land to any purchaser or purchasers, and the deed or deeds thus given shall give to the purchaser or purchasers all the rights and privileges now possessed by the several land holders of said Provincetown. Parish committee to execute deed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

An Act authorizing the Horn Pond Branch Railroad Company to construct a Branch. *Chap. 354*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Horn Pond Branch Railroad Company are hereby authorized to locate and construct a pile bridge and branch railroad thereon, on the easterly side of the Boston and Lowell Railroad Bridge, over Charles River, between the draw of said bridge and the shore in Boston: *provided*, no part of said structure shall be beyond a line drawn from the north-easterly corner of the shortest draw pier of said Boston and Lowell Railroad Bridge and the angle of the wall east of the bridge described in the act establishing the commissioners' line in the harbor of Boston, passed in the year one thousand eight hundred and forty, chapter thirty-five. Authorized to construct pile bridge, etc. Proviso.

SECT. 2. The Horn Pond Branch Railroad Company are hereby authorized, provided the Boston and Lowell Railroad Company shall consent thereto, to connect said branch railroad and bridge with the bridge and main tracks of the Boston and Lowell Railroad Company, and to use the same for the purposes of their business of loading and unloading ice, and the materials connected therewith. May connect, by consent, with Boston and Lowell Railroad.

SECT. 3. If the said Horn Pond Branch Railroad Company, shall not file the location of said branch railroad, ac- To be located in one year and built in two years

cording to law, within one year, and complete said branch and bridge within two years from the passage of this act, then this act shall be null and void.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

Chap. 355 An Act concerning the Burial Ground of the Monthly Meeting of Friends, in New Bedford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Overseers may
remove remains,
etc.

SECT. 1. The overseers of the New Bedford Monthly Meeting of Friends are hereby authorized, at their own expense and under the direction of the board of health of the city of New Bedford, to remove the remains of the dead from their burial ground, at the foot of Griffin Street, in said city, to their new burial place on Dartmouth Street, adjoining the Rural Cemetery in said city: *provided, however*, that said overseers shall first give thirty days' notice, in one or more newspapers published in said New Bedford, of their intention to make such removal; and if the relatives and friends of those whose remains are removed shall so request, such remains shall be interred by said overseers in any other authorized cemetery within the limits of said city.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

Chap. 356 An Act to prohibit the use of Poisonous Substances in the manufacture of Spirituous and Intoxicating Liquors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Poisonous sub-
stances prohib-
ited in the manu-
facture of spiritu-
ous and intoxica-
ting liquors.

If any person shall adulterate, for the purpose of sale, any beer, or other malt liquor, or any wine, or any distilled liquor, or any spirituous or intoxicating liquor intended for drinking, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or if any person shall sell any such liquor intended for drinking, adulterated as aforesaid with any substance above named, or any other substance which is poisonous or injurious to health, know-

ing the same to be so adulterated, he shall be punished by imprisonment in the State Prison not more than three years.
[Approved by the Governor, May 15, 1855.]

An Act to unite the Shawmut Gas-Light Company and the Suffolk Gas Company. *Chap. 357*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Shawmut Gas-Light Company and the Suffolk Gas Company are hereby authorized, at meetings called for that purpose, and by votes to which a majority in number and value of the proprietors in each company shall assent, to unite themselves as one company under the name of the Shawmut Gas-Light Company; and when such votes shall have been passed, they shall thereupon become one company, with the name aforesaid; and all the franchises, property, power and privileges that may then be enjoyed by either; and all the restrictions, liabilities and obligations that may then belong to either, shall appertain to such united company, in the same manner as if the same had been contained in, or required by, an original charter: *provided*, that if in opening any streets or ways, or in sinking or repairing any pipes or other fixtures, the said company shall break or injure any man's service pipes or fixtures belonging to the Boston Gas-Light Company, the said Shawmut Gas-Light Company shall be responsible for all damage caused thereby.

Union of gas companies.

Name.

Powers, privileges, etc.

Proviso.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, May 15, 1855.]*

An Act defining a portion of the Boundary Line between Sandisfield and Tolland. *Chap. 358*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That part of the dividing line between the towns of Sandisfield and Tolland, from the line of the State of Connecticut to the stone monument on the east bank of Farmington River, north of Hull's Tannery, is established and declared to be as follows, to wit: Beginning at a stone monument a short distance above Hull's Tannery, thence south to a large rock marked S. T., dated eighteen hundred thirty-seven; thence southerly to a point on the east bank of

Boundary line defined.

Farmington River, at high-water mark, twenty feet below the south-east corner of the abutment of the bridge across Farmington River, near the dwelling-house of Uriel Denslow; thence south to the thread of said Farmington River; thence southerly by the thread of said river to the line of the State of Connecticut.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1855.*]

Chap. 359 An Act authorizing the City of Cambridge and the Hancock Free Bridge Corporation to make solid the Bridge at the junction of Harvard Street, in said City, with the Causeway of said Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to fill up water course, and make solid roadway.

The city of Cambridge and the Hancock Free Bridge Corporation, are hereby authorized and empowered, to fill up the creek or water-course now crossed by the bridge at the junction of Harvard Street in said city, with the Causeway of said Corporation, so as to make, instead of said bridge, a solid roadway for the accommodation of the travel upon said Harvard Street and said Causeway. The south-westerly line of said roadway to be upon the south-westerly line of said bridge as it now stands, and the north-easterly line of the same to commence in the north-easterly line of said bridge at the easterly end thereof, and thence to run in a straight line to the north-easterly line of Harvard Street at the point where said street enters upon said bridge. [*Approved by the Governor, May 15, 1855.*]

Boundaries.

Chap. 360

An Act concerning the Essex Merrimac Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors shall make alterations, etc., in bridge, to the satisfaction of county commissioners.

The proprietors of the Essex Merrimac Bridge shall, within one year from and after the passage of this act, cause the following alterations and additions to be made to their bridge, viz.: the pier now erected on the Deer Island side of the draw, and westerly side of said bridge, shall be extended so far as to make its length seventy feet; also, there shall be erected a new pier, on the same side of the draw, extending easterly seventy feet, both of which shall be of sufficient width and height for vessels to lie at securely; also, that the piers on the northerly side of said

draw, and adjoining thereto, be raised two feet higher than they now are, and suitable posts or rings shall be attached to all of said piers for the accommodation of vessels passing through the draw of said bridge; the said additions and alterations to be completed to the satisfaction of the county commissioners of the county of Essex. [*Approved by the Governor, May 15, 1855.*]

An Act relating to Savings Banks and Institutions for Savings.

Chap. 361

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any money deposited in any savings bank or institution for savings, in the name of a minor, by himself or by any other person, may, at the discretion of the trustees or committee of investment of such bank or institution, be paid to such minor or person making such deposit, and the same shall be a good and valid payment for such bank or institution. [*Approved by the Governor, May 17, 1855.*]

Deposits may be paid to minors.

An Act concerning the Edgeworth Company.

Chap. 362

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Edgeworth Company is hereby authorized to purchase and hold, in fee simple or otherwise, lands, not exceeding one hundred acres, on the east side of Malden Creek or Canal, adjacent to other lands now owned and held by said Edgeworth Company, for the purpose of managing, improving and disposing of the same according to the act incorporating said company; with all the privileges, and subject to all the restrictions, set forth in said act. [*Approved by the Governor, May 17, 1855.*]

May purchase land, etc.

An Act in addition to various Acts in relation to Insolvent Debtors, and for the more Equal Distribution of their Effects.

Chap. 363

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall hereafter take the benefit of any of the laws of this Commonwealth, in relation to insolvent debtors and the more equal distribution of their effects, who was not, at the time the debts from which he seeks to

Persons taking benefit of insolvent laws to be inhabitants of the Commonwealth.

be discharged were contracted, an inhabitant of this Commonwealth, and who is not also, at the time of instituting proceedings for the purpose of taking the benefit of said acts, an inhabitant of this Commonwealth.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, May 17, 1855.*]

Chap. 364 An Act relating to Summoning in Defendants in Real and Mixed Actions.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Devisee may conduct suits in certain cases.

SECT. 1. In all real and mixed actions, if the tenant shall die before final judgment, his devisee of the land demanded, if any, at the same term when the death is suggested, or within such further time as the court shall allow, may appear and take upon himself the defence of the suit; and it shall thenceforth be conducted in the same manner as if it had been originally commenced against him.

May be cited for that purpose.

SECT. 2. If the devisee does not voluntarily appear, the demandant may take out a citation from the court before whom the cause is pending, requiring him to appear and take upon himself the defence of the suit.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 365

An Act to incorporate the Town of Agawam.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries.

SECT. 1. All that part of the town of West Springfield which lies southerly of the line commencing at the north mouth of Agawam River, so called, and running westerly by the course and centre of said river to the town of Westfield, is hereby incorporated into a separate town, by the name of Agawam; and the said town of Agawam is hereby vested with all the powers, privileges, rights and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected, by the constitution and laws of this Commonwealth.

Powers, duties, etc.

Concerning taxes

SECT. 2. The inhabitants of said town of Agawam, shall be holden to pay, to the collectors of the town of West Springfield, all arrearages of taxes legally assessed on them in said town of West Springfield, before the passage of this

act, and shall also be held to pay their proportion of state and county taxes that may be assessed upon them previously to the taking of the next valuation—said proportion to be ascertained and determined by the town valuation of the town of West Springfield, next preceding the passage of this act; and the said town of Agawam shall be holden to pay their just and equitable proportion of the debts due from the town of West Springfield, and shall be entitled to receive their just and equitable proportion of all corporate property and other assets now owned and held by said town of West Springfield.

SECT. 3. The town of Agawam shall be liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers whose settlement was gained by, or derived from, a settlement within its limits as described by this act.

Support of paupers.

SECT. 4. The said town of Agawam shall continue to be a part of the town of West Springfield, for the purpose of electing a representative to the general court, until the next apportionment of representatives. All meetings for the election of representatives until said apportionment, shall be called by the selectmen of West Springfield, and holden in the town of West Springfield; and the selectmen of Agawam shall make a true list of persons belonging to that town qualified to vote at every such election, and deliver the same to the selectmen of West Springfield, by whom the same shall be taken and used in the same manner as if it had been prepared by themselves.

Agawam and W. Springfield to vote together for representative.

SECT. 5. In case said towns should not agree in respect to a division of property, funds, debts, or town paupers, or state or county taxes, the court of common pleas for the county of Hampden shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon; and their award, or that of any two of them, accepted by said court, shall be final.

In case of disagreement, C. C. Pleas may appoint three referees.

SECT. 6. Any justice of the peace within and for the said county of Hampden is hereby authorized to issue his warrant, directed to any principal inhabitant of said town of Agawam, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

First meeting, how called.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, May 17, 1855.]

Chap. 366 An Act relating to the Registration of Births, Marriages and Deaths, in the State Almshouses.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Superintendents of State almshouses to make returns of births, deaths, etc.

The superintendents of the State almshouses located at Monson, Tewksbury and Bridgewater, are hereby authorized and required to make record of all the births and deaths which occur in the institutions under their care, and make returns of the same to the secretary of State, annually, as all town and city clerks are required to do by the act to which this is an act in addition; and the town clerks of Monson, Tewksbury and Bridgewater, are hereby exempted from all duties herein required of the superintendents of the above named institutions. [Approved by the Governor, May 17, 1855.]

Chap. 367 An Act to change the Name of the Malden Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The said Malden Manufacturing Company may take, and hereafter be known by, the corporate name of the Boston Rubber Shoe Company.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 17, 1855.]

Chap. 368 An Act in addition to an Act concerning the Cambridge Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bonds, when payable.

SECT. 1. The bonds authorized to be issued by the Cambridge Railroad Company may be made payable in twenty-five years from their date, and the sum to be paid into the sinking fund shall be equal to two per cent. per annum, to be paid semi-annually.

Sinking fund.

Tracks, how to be laid.

SECT. 2. All the tracks of the Cambridge Railroad shall be laid at such distances from the sidewalk in the cities of Cambridge and Boston, as the mayor and aldermen of said cities respectively, by their orders fixing the routes of said railroad, determine to be for the public safety and convenience.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 17, 1855.]

An Act in addition to an Act in relation to Public Health.

Chap. 369

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The two hundred and eleventh chapter of the acts passed in the year eighteen hundred and forty-nine, is hereby amended, by extending the provisions of said chapter to towns in the same manner as cities. [Approved by the Governor, May 17, 1855.]

Provisions of act of 1849 extended.

An Act concerning the Boston and Chelsea Railroad Company.

Chap. 370

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The four hundred and forty-fifth chapter of the acts of eighteen hundred fifty-four, is hereby so amended that the time fixed by the twelfth section thereof for the payment of the capital stock thereof, shall be extended to two years from the passage of this act. [Approved by the Governor, May 17, 1855.]

Time for paying capital stock extended.

An Act respecting the Bridge of the Boston and Maine Railroad across Charles and Miller's Rivers.

Chap. 371

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Maine Railroad is hereby authorized to widen its bridge across the Charles River, not exceeding the following limits: Beginning at a point on their wharf in Boston, east of said bridge, sixty feet from said bridge, and thence running in a straight line to the extremity of the pier south of the south draw on said bridge; beginning at a point on the northerly side of the north pier of said draw, thirty feet east of said bridge, and thence running parallel thereto to within two hundred feet of the island of said railroad, and thence to the south-easterly corner of said island: *provided*, that no building shall be placed on parts constructed hereunder other than stations to shelter employees on duty from the weather.

Authorized to widen bridge.

Limits.

Proviso.

SECT. 2. They are also authorized to straighten their bridge by building out from the south-westerly corner of their island to a point on the westerly side of said bridge three hundred feet from said island.

May straighten.

Commissioner to
direct, etc.

SECT. 3. Said widenings shall be on piles driven in extension of their present lines of piles, and according to the directions of a commissioner to be appointed by the governor, with the advice and consent of the council, and to be paid by said railroad.

Pier to be re-
moved.

SECT. 4. Said Boston and Maine Railroad is hereby required to take up and remove so much of its easterly pier of its south draw as is outside of a line drawn parallel to its bridge, and commencing thirty feet from the end of said pier on its south side. [*Approved by the Governor, May 17, 1855.*]

Chap. 372 An Act authorizing the Universalist Society in Essex to sell Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Society may sell
real estate.

SECT. 1. The First Universalist Society in the town of Essex, is hereby authorized and empowered to sell either the whole or a part of the real estate held and possessed by them, and located within the said town of Essex; the said real estate consisting of lands bequeathed to the society aforesaid by the last will and testament of the late Mrs. Betsey Story, of Essex, for the support of preaching and public religious services in the meeting-house of said society.

Trustees to ex-
cute deed.

SECT. 2. The standing committee or trustees of the said society, for the time being, shall have power to deed either a part or the whole of said real estate to any purchaser or purchasers: *provided, however*, that neither the interest nor principal of the proceeds of such sale shall ever be appropriated for any other purpose than that for which it was originally bequeathed.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 373 An Act to incorporate the Lawrence Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Lewis Rice, Marshall P. Wilder, John P. Healey, David F. McGilvray, their associates and successors, are hereby made a corporation by the name of the Lawrence Insurance Company, to be established in the city of Boston, for the term of twenty-eight years, for the purpose of making

uration.

maritime loans, and insurance against maritime losses, and insurance against losses by fire, on the principle of mutual insurance; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now, or may hereafter be, in force, relative to insurance companies, so far as applicable to the corporation hereby created.

SECT. 2. No policy shall be issued till the sum of one hundred thousand dollars shall have been subscribed, and no divisions of any funds or profits shall be made to the subscribers or stockholders until the expiration of their charter; but such funds or profits shall be invested in such securities and stock as the law requires.

SECT. 3. The said corporation shall be restricted to an amount not exceeding ten thousand dollars on any one risk, until its funds or invested capital shall reach the sum of two hundred thousand dollars.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 17, 1855.]

An Act relative to the Specific Performance of Written Contracts.

Chap. 374

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When any person shall have entered into a written agreement, for the conveyance of real estate, and shall die before making such conveyance, the judge of probate for the county wherein said real estate is situated shall have jurisdiction concurrent with the supreme judicial court; and the said judge of probate, upon a petition duly presented by any person interested in said conveyance, shall order the petitioner to give notice to all persons interested, that they may appear and show cause either for or against the prayer of said petition.

SECT. 2.* If, upon such hearing before the judge of probate, it shall be made to appear that the deceased person, if living, would be required to make such conveyance, then the judge of probate shall order the executor or administrator of said deceased person to make such conveyance; and said conveyance, when so made, shall have the like force and effect as if made by the deceased in his lifetime. [Approved by the Governor, May 17, 1855.]

Purpose.

Powers, duties, etc.

No policy issued until \$100,000 is subscribed.

Funds, etc., to be invested.

Risks restricted.

Judge of probate to have concurrent jurisdiction with S. J. Court, in certain cases.

Judge of probate may order executor or administrator to convey, etc.

Chap. 375 An Act to authorize the Eastern Railroad Company to widen their bridge across Charles and Miller's Rivers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
widen bridges.

SECT. 1. The Eastern Railroad Company are hereby authorized to widen their bridges over Charles and Miller's Rivers, commencing at a point in the centre of the dock between the land of the Eastern and Boston and Maine Railroads, on Causeway Street, and thence running in a straight line with the line of the centre of the dock to a point on the line of the south draw in the bridge over Charles River: and for that purpose they are authorized to remove so much of the pier of the Boston and Maine Railroad Bridge as may prevent the free passage of vessels to and from said dock. Also to widen their bridge from the northerly side of said draw, commencing at a point sixty feet from the easterly side thereof, and continuing in a straight line to a point twenty-six feet distant from the easterly side thereof, opposite the south-west corner of the island of the Boston and Maine Railroad Company, and thence continuing parallel to said bridge to the Somerville shore: *provided*, that said widening shall be so constructed as not to interfere with the passage of vessels through the draws, or with the depth of water in the channel opposite the island of the Boston and Maine Railroad. Also to widen their bridge on the westerly side (with the consent of the Boston and Lowell Railroad Company) so as to cover the space between the two said railroads.

Proviso

Governor to ap-
point commis-
sioner.

SECT. 2. Said widenings shall be on piles, driven in extension of their present lines of piles, and according to the directions of a commission to be appointed by the governor, with the advice and consent of the council, and to be paid by said railroad. [*Approved by the Governor, May 17, 1855.*]

Chap. 376

An Act to increase the Capital Stock of the Rockport Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capi-
tal.

SECT. 1. The president, directors and company of the Rockport Bank, in Rockport, are hereby authorized to increase their present capital stock, by an addition thereto of

fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of June next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

An Act to increase the Capital Stock of the Marine Bank of New Bedford. Chap. 377

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Marine Bank, in New Bedford, are hereby authorized to increase their capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six. Additional capital.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of June next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of Proviso.

said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 378

An Act to incorporate the New England Education Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Isaac Rich, John H. Twombly, Edward Otheman, Pliny Nickerson, William Rice, Jacob Sleeper, L. R. Thayer, Gilbert Haven, John Gove, Pearl Martin, David Snow, Lee Claflin, and James Porter, their associates and successors, are hereby incorporated and made a body politic, by the name of the New England Education Society, for the general purposes of education; and shall have all the powers and privileges, and be subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

May hold real and personal estate not exceeding \$100,000.

SECT. 2. The said corporation may take and hold real and personal estate to an amount not exceeding one hundred thousand dollars, for the aforesaid educational purposes. [*Approved by the Governor, May 17, 1855.*]

Chap. 379

An Act in addition to an Act concerning the Employment of Children in Manufacturing Establishments.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Children under 15 years not to be employed in manufacturing establishments, unless, etc.

SECT. 1. The first section of the act passed on the second day of May, in the year one thousand eight hundred and forty-nine, entitled "An Act concerning the Employment of Children in Manufacturing Establishments," is hereby so far amended, that no child under fifteen years of age, shall be employed in any manufacturing establishment, unless such

child shall have attended some public or private day school, of which the teachers shall have been approved by the school committee of the city or town in which such school shall have been kept, at least one term of eleven weeks next preceding the time of such employment, and for the same period during any and every twelve months in which such child shall be so employed.

SECT. 2. All acts and parts of acts inconsistent with the first section of this act are hereby repealed. Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

An Act to increase the Capital Stock of the City Bank, Worcester. Chap. 380

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the City Bank, in Worcester, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six. Additional capital.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 381 An Act to increase the Capital Stock of the Union Bank, Haverhill.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The president, directors and company of the Union Bank, in Haverhill, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of June next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 382 An Act to increase the Capital Stock of the Brighton Market Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital.

SECT. 1. The president, directors and company of the Brighton Market Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the first

day of May, in the year one thousand eight hundred and fifty-six.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of June next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

An Act to increase the Capital Stock of the Milford Bank.

Chap. 383

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Milford Bank, in Milford, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six.

Additional capital.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the capital herein provided, the said remonstrance shall be made, in writing, to the cashier, on or before the first day of June next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

Certificate to be
filed with secre-
tary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

Chap. 384 An Act to increase the Capital Stock of the Fairhaven Bank, in Fairhaven.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capi-
tal.

SECT. 1. The president, directors and company of the Fairhaven Bank, in Fairhaven, are hereby authorized to increase their capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of June next; and if the persons, so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capi-
tal subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be
filed with secre-
tary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1855.*]

An Act to incorporate the Town of South Danvers.

Chap. 385

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that part of the town of Danvers, in the county of Essex, lying southerly of a line beginning at a point at the mouth of Waters River; thence running up the course of said river, to the bridge over Sylvan Street, and to a point in the centre of the way over said bridge; thence running from said point north-westerly to a point five hundred feet north of the milestone on the Newburyport Turnpike, near the house of Jasper Pope; and thence running in a course north, forty-seven degrees west, to a point in Ipswich River where Noyes's Brook empties into said river, is hereby incorporated into a town, by the name of South Danvers. And the inhabitants of said town of South Danvers, are hereby invested with all the powers and privileges, and subject to all the duties and requisitions, of other incorporated towns, according to the constitution and laws of this Commonwealth: *provided, nevertheless*, that if the said town of Danvers shall, within thirty days after this act shall take effect, signify, by a vote of the majority of its voters, in town meeting assembled, a desire that the dividing line herein established should be changed, a commission of three persons, to be appointed by his excellency the governor, shall consider upon and determine what shall constitute the dividing line between said Danvers and South Danvers, and their determination in the premises, when reported to his excellency the governor, shall be final; but until such report shall be made, the line hereinbefore established shall continue the dividing line between said towns. The expenses of said commission shall be borne equally by the said towns of Danvers and South Danvers.

Boundaries.

Powers, privileges, etc.

Proviso.

SECT. 2. The inhabitants of said town of South Danvers shall be holden to pay all arrears of taxes legally assessed upon them, by the town of Danvers, before the passing of this act, and also their proportion of all state and county taxes, that may be assessed upon said town of Danvers previously to the taking of the next State valuation—such proportion to be ascertained and determined by the last valuation of said town of Danvers: *provided, however*, that the town of Danvers shall be authorized to collect the tax assessed by virtue of law, on the first of May, this current year, upon the inhabitants and owners of property in said South

Of taxes.

Proviso.

Danvers; and the said town of Danvers, after deducting the reasonable expenses of collecting the same, shall account with, and pay over the same to, the town treasurer of said South Danvers; and the said town of Danvers may employ, for the collection of the tax assessed on the first of May of this current year, and for the collection of all arrears of taxes heretofore legally assessed by the said town of Danvers, both in Danvers and South Danvers, the collector chosen at the annual meeting in March last, who shall have all the powers, and perform all the duties, incident to the office of town collector, in both towns, any thing in his place of residence to the contrary notwithstanding.

Debts.

Division of surplus revenue, etc.

SECT. 3. The said town of South Danvers shall be holden to pay its proportion of the debts due, and owing by, and of all the liabilities existing against the town of Danvers at the time of the passage of this act, and shall be entitled to receive of the town of Danvers its proportion of all the corporate property, funds and assets now owned and held by the town of Danvers—such proportion to be ascertained and determined by the last valuation of said town of Danvers: *provided, however*, that the surplus revenue held by the town of Danvers, shall be divided between the two towns of Danvers and South Danvers, *pro rata*, according to the number of children between the ages of five and fifteen, found on the first of May, eighteen hundred and fifty-five, in each of said towns respectively; and also the river fund, now in the treasury of the town of Danvers, and what may be received hereafter from the Essex Bridge Corporation, shall continue to be held by the town of Danvers, and appropriated for improvements in Porter's, Waters' and Crane Rivers. But the town of South Danvers shall take and hold, as its separate property, the town farm and almshouse, and shall pay the town of Danvers its proportion of the value thereof, according to the appraisal of the overseers of the poor, as set forth in the annual statement of accounts of the town for the year eighteen hundred and fifty-five; and each of the towns of Danvers and South Danvers shall take and hold, as its separate property, the town house situate within its own limits, paying therefor at the actual cost of the same.

Paupers.

SECT. 4. The said towns of Danvers and South Danvers shall be, respectively, liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

SECT. 5. The Peabody Institute, in South Danvers, shall be free to all the inhabitants of Danvers and South Danvers, in the same manner as if this act had not been passed.

Peabody Institute free.

SECT. 6. In case the said towns shall disagree in respect to the division of paupers, town property, town debts, state and county taxes, the government of the Peabody Institute, the expenses of maintaining the bridges now existing in Danvers, or any other matters arising from the division of the town of Danvers hereby made, the court of common pleas for the county of Essex are hereby authorized to, and shall, upon application of either town, appoint three disinterested persons to hear the parties and award thereon; and their award, or that of any two of them, when accepted by said court, shall be final. And said commission, in case the said towns cannot agree, shall consider and determine what sum shall be paid by the town of South Danvers in consideration of the interest in the school-house in district number six of certain inhabitants north of the dividing line; and such sum shall be paid to the school district in the town of Danvers to which said inhabitants may hereafter be annexed.

Referees to be appointed in case of difference.

SECT. 7. Said town of South Danvers shall remain a part of the town of Danvers, for the purpose of electing state officers, senators and representatives to general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, or until another apportionment of representatives to the general court shall be made. The meetings for the choice of said officers shall be called by the selectmen of Danvers; and the selectmen of South Danvers shall make a true list of persons belonging to said town of South Danvers, qualified to vote at every such election, and shall post up the same in the said town of South Danvers, and shall correct the same as required by law, and shall deliver the same to the selectmen of Danvers, before any such election; and the same shall be taken and used by the selectmen of Danvers, for such election, in the same manner as if it had been prepared by themselves. Such meetings shall be held in the towns of Danvers and South Danvers, respectively, in alternate years, commencing this year with the town of Danvers.

Provision for the election of State officers, etc.

SECT. 8. All moneys now in the treasury of said town of Danvers, or which may, after the passage of this act, be received into the treasuries of said towns of Danvers and South Danvers, respectively, from taxes already assessed, or

Moneys, how to be applied.

directed to be assessed, shall be applied by each town to the purposes for which they were raised and assessed: *provided, however*, that all expenses incurred for improvements, by virtue of any special appropriations made by the town of Danvers, at its last annual meeting, or which may be made by said town at any meeting before this act shall take effect, shall be paid by the town for whose benefit such appropriations were or may be made.

First meeting,
how called.

SECT. 9. Any justice of the peace for the county of Essex is hereby authorized to issue his warrant to any principal inhabitant of said town of South Danvers, requiring him to warn the inhabitants of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at their annual meetings.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

Chap. 386

An Act to establish an Independent Line of Railroad Communication between Boston and Lowell.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain corporations may establish new line.

SECT. 1. The Lowell and Lawrence Railroad Company, the Salem and Lowell Railroad Company, and the Boston and Maine Railroad, are hereby authorized to make arrangements between themselves, for the use in common of those sections of their several railroads which lie between Lowell and Boston, to wit: that section of the Lowell and Lawrence Railroad which lies between Lowell and the point of junction with the Salem and Lowell Railroad, in Tewksbury, that section of the Salem and Lowell Railroad which lies between said last named point and a convenient point of junction with the Boston and Maine Railroad, in Wilmington, and that section of the Boston and Maine Railroad which lies southwardly of said last named point. And the above named corporations, in conformity to such arrangements, may use said sections of their several railroads, or permit the same to be used, for the transportation of persons and property.

Damages, how estimated.

SECT. 2. Any person or corporation who may sustain damage by reason of any acts done by the three corporations above named, or either of them, in pursuance of the authority granted by this act, may have the same estimated in the manner now provided by law for the estimation of

damages caused by the laying out, making and maintaining of a railroad; but the application shall be made to the county commissioners of the county of Middlesex; and if ^{Jury.} either party, being dissatisfied with such estimate of damages, shall apply for a jury, the jury shall be taken from such towns in said county as any justice of the court of common pleas shall direct, and the sheriff shall apply to some one of said justices for such direction, and it shall be the duty of said justice to name the towns from which the jury shall be taken, in the manner prescribed by law.

SECT. 3. The three railroad corporations named in the ^{Trains.} first section of this act are authorized to run trains through from Lowell to Boston, and from Boston to Lowell, over the three aforesaid sections of railroad, without change of cars or loss of time, for the conveyance of passengers and merchandise over any portion of the line between Boston and Lowell, and to sell tickets, and to receive payment of money in their cars for the transportation of passengers as aforesaid, and to make joint tariffs for the transportation of merchandise: *provided*, that this section shall not be construed ^{Proviso.} to permit said corporations, or either of them, to transport passengers or freight from Boston, Charlestown, Cambridge or Somerville, to any point within five miles of the northerly terminus of the Boston and Lowell Railroad, or from any point within five miles of the northerly terminus of said last named railroad to Boston, Charlestown, Cambridge or Somerville.

SECT. 4. The first two sections of this act shall take ^{When and how to take effect.} effect when the same shall have been accepted by all the corporations therein named; but the last two sections shall take effect from and after the passage of this act. [*Approved by the Governor, May 18, 1855.*]

An Act to authorize the Wareham Savings Bank to hold Real Estate. *Chap. 387*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Wareham Savings Bank is hereby authorized to hold real estate to the amount of six thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building, to be used for banking purposes of said corporation. ^{May hold real estate to amount of \$6,000.} ^{Proviso.}

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

Chap. 388 An Act to change the Title of the Commissioners on Boston Harbor and the Back Bay.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Title changed.

SECT. 1. The commissioners, appointed under the authority of the seventy-ninth chapter of the resolves of eighteen hundred and fifty-two, shall hereafter be styled and known as the Commissioners on the Back Bay.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

Chap. 389 An Act authorizing the obtaining of Land or Pier Wharf for the purpose of widening the Charles River Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commissioners to purchase land, etc.

SECT. 1. The commissioners under the "Act relating to the Charles River Bridge and the Warren Bridge," passed on the twenty-ninth day of April, in the year eighteen hundred and fifty-four, are hereby authorized to purchase, or take, for the purpose of widening the Charles River Bridge to the uniform width of fifty feet, so much land or pier wharf lying on the westerly side of said bridge, in the city of Boston and the city of Charlestown, as shall be necessary for such purpose.

If unable to purchase, may take, etc.

SECT. 2. In case the said commissioners shall not be able to purchase said land or pier wharf, or any part thereof, then and in such case they are hereby empowered to take the same, and upon such taking, a certificate thereof, signed and sealed by them and recorded in the registry of deeds for the county wherein such land or pier wharf shall lie, shall vest the fee simple of the premises, so taken, in the Commonwealth.

Parties aggrieved may petition for an assessment of damages.

SECT. 3. If said land or pier wharf, or any part thereof, shall be so taken by virtue of this act, the party or parties aggrieved by such taking, may, within one year after such taking, apply, by petition, to the court of common pleas for the county of Suffolk, to have such damages assessed by a jury; and notice of such petition shall be served upon the attorney-general of the Commonwealth, in such manner as the court shall direct, not less than sixty days before the time when such notice shall be returnable, and the jury that may be impanelled to ascertain and assess said damages,

Notice of petition to be served.

shall be under oath truly and justly to ascertain and assess the same, and shall, under the direction of the sheriff of said county of Suffolk, go on the premises and view the same and return their verdict into the said court.

SECT. 4. His excellency the governor, with the advice and consent of the council, is hereby authorized to draw his warrant on the treasury for such sums as may be necessary to pay the value of said land or pier wharf purchased or taken as aforesaid, as the same may be mutually agreed on by the parties, or determined by a jury as hereinbefore prescribed; and the money so drawn shall be paid out of the money held by the treasurer as the Charles River and Warren Bridge Fund. Governor to draw warrant, etc.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

An Act to incorporate the Lexington and Chelmsford Railroad Company. *Chap. 390*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph Reed, W. H. B. Whiteman, Jonathan Hill, John B. Billings, George P. Elliott, and Nathaniel C. Cutler, their associates and successors, are hereby made a corporation by the name of the Lexington and Chelmsford Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and of the thirty-ninth chapter in that part thereof relating to railroad corporations, and in all other general laws which have been or shall be hereafter passed relative to railroad corporations. Corporators.

SECT. 2. Said company are empowered to locate, construct and maintain, a railroad, with one or more tracks, from a point in the town of Lexington, by the most convenient route, through the towns of Bedford, Billerica and Chelmsford, to a point on the Nashua and Lowell Railroad most convenient for entering on said road in the village of North Chelmsford. Location.

SECT. 3. Said company may enter with their railroad upon the Lexington and West Cambridge Railroad, at the most convenient point in the town of Lexington, and also upon the Nashua and Lowell Railroad, at the most convenient point in the town of Chelmsford, and use the said roads, or either of them, or any part or parts of both, or either of them, according to the provisions of law. May enter upon and use other roads.

Capital stock,
4,000 shares, of
\$100 each.

SECT. 4. The capital stock of said company shall consist of four thousand shares of one hundred dollars each, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and the said company may invest and hold such part of its capital stock in real and personal estate as may be necessary and convenient for the purpose of their incorporation.

Act void, unless,
etc.

SECT. 5. If the location of the said railroad be not filed, according to law, within three years, or if the said railroad shall not be constructed within five years, with at least one track, then this act shall be void.

Tolls.

SECT. 6. The legislature may, from time to time, reduce the rate of tolls or other profits upon the said railroad; but the tolls shall not, without the consent of said company, be so reduced as to produce with the said profits less than ten per cent. per annum.

May be used by
other roads.

SECT. 7. The legislature may authorize any company to enter with another railroad upon and use the said Lexington and Chelmsford Railroad, or any part thereof, paying therefor such a rate of toll or compensation as the legislature may, from time to time, prescribe, or as may be fixed by any general law of this Commonwealth, and complying with such rules and regulations as may be established by the said Lexington and Chelmsford Railroad Company.

Damages, how
estimated.

SECT. 8. Any person or corporation that may sustain damage by this railroad company in pursuance of the authority granted by this act, may have the same estimated in the manner now provided by law for the estimation of damages caused by the laying out, making and maintaining of a railroad. But the application shall be made to the county commissioners of the county of Middlesex; and if either party, being dissatisfied with such estimate of damage, shall apply for a jury, the jury shall be taken from such towns in said county as any justice of the court of common pleas shall direct; and the sheriff shall apply to some one of the said justices for such direction; and it shall be the duty of said justice to name the towns from which the jury shall be taken, in the manner prescribed by law. [*Approved by the Governor, May 18, 1855.*]

Jury.

An Act in relation to Offensive Trades.

Chap. 391

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The board of health of any city or town in this Commonwealth may, from time to time, assign certain places for the exercising of any trade or employment which is a nuisance or hurtful to the inhabitants or their estates, dangerous to the public health, or the exercise of which is attended by noisome and injurious odors, or otherwise injurious to their estates, and they may forbid the exercise of either of them in places not so assigned ; and the said board may also forbid the exercise of such trade or employment within the limits of the city or town, or in any particular locality thereof.

Board of health may locate trades deemed as nuisance.

SECT. 2. All orders of the board of health, as provided in the first section, shall be served upon the occupant of the place where such trade or employment is exercised, or upon any person having charge thereof ; and in case of neglect or refusal to obey such order within twenty-four hours after the said service, by such occupant or other person, they and each of them shall be liable to a fine of not less than fifty dollars, nor more than five hundred dollars, to be recovered by indictment ; and in case of such neglect or refusal, it shall be the duty of said board of health to prevent the exercise of such trade or employment, and to take all necessary measures to that end.

Orders served upon occupants, etc.

Penalty for neglect to obey.

SECT. 3. Any person aggrieved at any such order of the board of health may apply to the court of common pleas, if sitting in the county in which such order is made, or to any justice thereof in vacation, for a jury ; and such court or justice shall issue a warrant for a jury to be impanelled by the sheriff in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes in regard to the laying out of highways. Such application shall be made within three days after the service of such order, and the jury shall be impanelled at such time and place as the court or justice may direct.

Persons aggrieved may apply for a jury.

SECT. 4. In case of appeal, as provided in the preceding section, such trade or employment shall not be exercised while the same is pending ; and in case of any violation of this section, said appeal shall be dismissed forthwith.

In case of appeal, trade to cease, etc.

SECT. 5. The jury shall find a verdict, either affirming or annulling the said order in full, or making alteration

Duty of jurors.

therein, as they may see fit, which verdict shall be returned to the next term of the said court by the sheriff, for acceptance, in like manner as in the case of highways, and which verdict, being accepted, shall be binding to the same effect as the original order would have been without such appeal.

Costs. SECT. 6. If the verdict shall affirm such order, costs shall be recovered by the city or town against such applicant; if the verdict shall annul such order in whole, damages and costs shall be recovered by the complainant against such city or town; and in case the verdict shall alter such order in part, the court may render such judgment, as to costs, as to justice shall appertain.

When and how to take effect. SECT. 7. This act shall take effect from and after its passage; but it shall not be in force in any city or town unless the inhabitants of such town, or the city council of such city, shall adopt the same at legal meetings. [*Approved by the Governor, May 18, 1855.*]

Chap. 392

An Act to incorporate the Baltic Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. John H. Osgood, Jesse Gould, Nehemiah Boynton, their associates and successors, are hereby made a corporation for the term of twenty years from the passage of this act, by the name of the Baltic Insurance Company, to be established in the city of Boston, for the purpose of making insurance against losses by fire, and maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws, which are now, or may hereafter be, in force relative to insurance companies.

**Capital stock, \$100,000.
In shares of \$100 each.** SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding three hundred thousand dollars, and may hold real estate for its use not exceeding twenty thousand dollars.

May increase to \$300,000. SECT. 3. The said corporation shall have power to make insurance against losses by fire, when fifty thousand dollars of their capital shall have been actually paid in; and against both fire and maritime losses, when one hundred thousand dollars of their capital shall have been actually paid in.

Policies, when to be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

An Act to incorporate the Boston Emigrant Aid and Mining Company. *Chap. 393*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Ritchie, Jonathan W. Pottle, Allen Putnam, Thomas Struthers, Bradford K. Peirce, their associates, successors and assigns, are hereby made a corporation, by the name of the Boston Emigrant Aid and Mining Company, for the purpose of assisting emigrants to settle on the lands of said company, in the north-western part of Pennsylvania, opening and working the mines therein, and improving and disposing of said lands; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Purpose.

Powers, privileges, etc.

SECT. 2. The capital stock of said corporation shall not exceed three millions of dollars. Said capital may be invested in real and personal estate: *provided*, the corporation shall not purchase and hold real estate in this Commonwealth to an amount exceeding twenty thousand dollars.

Capital not to exceed \$3,000,000.
How invested.

SECT. 3. It shall be the duty of this company to employ emigrants to work their mines and lands, if they can be obtained, and to keep an agent in this State, to collect and forward the same to Pennsylvania.

Duty of company.

SECT. 4. This act shall take effect on and after its passage. [*Approved by the Governor, May 18, 1855.*]

An Act to authorize certain Towns in the Counties of Franklin and Berkshire to subscribe to the Capital Stock of the Troy and Greenfield Railroad Company. *Chap. 394*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That each of the several towns of Ashfield, Buckland, Conway, Coleraine, Charlemont, Deerfield, Greenfield, Hawley, Heath, Monroe, Rowe, and Shelburne, in the county of Franklin, and each of the several towns of Adams, Florida and Williamstown, in the county of Berkshire, be, and hereby is, authorized to subscribe for and hold shares in the capital stock of the Troy and Greenfield Railroad Company, to any amount of money not exceeding three per

Towns may take stock in railroad

Proviso.

centum on the amount of its last valuation: *provided*, the inhabitants of such town or towns, at a legal town meeting duly called for that purpose, shall vote by a two-thirds vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town, for public purposes, in like manner as any other property which it may possess.

Towns may raise money by taxes or loans.

SECT. 2. Said towns are hereby authorized to raise, by loans or taxes, any sums of money which shall be required to pay the instalments on their respective subscription to said stock and interest thereon.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

Chap. 395 An Act to authorize the Town of Rockport to take Stock in the Rockport Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rockport authorized to subscribe \$20,000 for railroad stock.

SECT. 1. The town of Rockport, in the county of Essex, is hereby authorized to subscribe for and hold shares in the capital stock of the Rockport Railroad Company, to the amount of twenty thousand dollars: *provided*, the inhabitants of said town, at a legal town meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town, for public purposes, in like manner as any other property which it may possess.

Proviso.

SECT. 2. Said town is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its instalments on its subscription to said stock and interest thereon.

May raise money by tax or loan.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1855.*]

Chap. 396 An Act in relation to Trials for Libels.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Evidence in actions for libel.

SECT. 1. In every prosecution, and in every civil action for writing or for publishing a libel, the defendant may give

in evidence, in his defence upon the trial, the truth of the matter contained in the publication charged as libellous; and such evidence shall be deemed a sufficient justification, unless malicious intention shall be proved.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

An Act to authorize certain Forms under "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors." *Chap. 397*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The following forms may be used in prosecutions under "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors," passed on the twentieth day of April, in the year one thousand eight hundred and fifty-five, and if substantially followed, shall be deemed sufficient to fully and plainly, substantially and formally, describe the several offences in each of them set forth, and to authorize the lawful doings of the officers acting by virtue of the several warrants issued in substantial conformity therewith; but this shall not be so construed as to prohibit the use of other suitable forms under the said act.

Forms of complaints, warrants, etc., under law of 1855, ch. 215.

Form of a Complaint for keeping intoxicating liquor for sale, under section twenty-four of the said "Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors."

Commonwealth of Massachusetts.

M——, ss.

To N. C., Esquire, one of the justices of the peace within and for the county of M——.

J. S., of L——, in the county of M——, in behalf of the Commonwealth of Massachusetts, on oath complains that D. E., of said L——, on the day of , in the year eighteen hundred and , at said L——, did keep intoxicating liquor, with intent to sell the same in this Commonwealth, he, the said D. E., not being authorized to sell the same in said Commonwealth, for any purpose, under the provisions of an act passed on the twentieth day of April, in the year of our Lord eighteen hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous

and Intoxicating Liquors," or by any legal authority whatever, against the peace and contrary to the form of the statute in such case made and provided. Wherefore the said J. S. prays that a warrant may be issued for the arrest of said D. E., and that he be dealt with as to law and justice may appertain.

Received and sworn to, the J—— S——.
day of , in the year
eighteen hundred and

Before N—— C——,
Justice of the Peace.

Form of Warrant to arrest the party accused on the foregoing Complaint.

Commonwealth of Massachusetts.

M——, ss.

To the sheriff of any county in the State, or either
[L. S.] of his deputies, or either constable of any town
in the county of M——.

Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to apprehend D. E., of L——, in said county of M——, (if he may be found within your precinct,) who stands charged by the complaint of J. S., upon oath, with the offence of keeping intoxicating liquors, with intent to sell the same in this Commonwealth, contrary to law, and bring him before the subscriber, or some other justice of the peace in said county of M——, to be dealt with as to law and justice may appertain.

You are also required to summon

[Here insert the names of the witnesses.]

and the complainant, to appear and give evidence of what they may know touching the matter of said complaint, at the time and place you have the said D. E., before either of said justices for trial. Hereof fail not, and make due return of your doings herein.

Witness my hand and seal, at said L——, in the year one thousand eight hundred and

N—— C——,

Justice of the Peace.

Form of Mittimus for keeping intoxicating liquors for sale under section twenty-four of said Act.

Commonwealth of Massachusetts.

M——, ss.

To the sheriff of the county of M——, his deputies, the constables of the town of L——, and the keeper of the jail in C——, in said county.

Whereas, D. E., of L——, in said county, now stands convicted before me, the subscriber, one of the justices of the peace in and for said county of M——, of keeping intoxicating liquor at said L——, on the day of , in the year eighteen hundred and , with intent to sell the same in this Commonwealth, he not being then and there authorized so to sell the same under the provisions of an act passed the twentieth day of April, in the year eighteen hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors," or by any lawful authority whatever; for which offence he, the said D. E., is sentenced by me, the said justice, to pay a fine of ten dollars to the use of the Commonwealth, and costs of prosecution, taxed at dollars and cents, and to be imprisoned twenty days in the house of correction, in C——, in said county.

We therefore command you, the said sheriff, deputies and constables, and each of you, forthwith to convey the said defendant, D. E., to the house of correction, in C——, in the county aforesaid, and to deliver him to the said keeper. And you, the said keeper, are, in like manner, commanded to receive the said defendant, D. E., (whom we herewith send,) into your custody in said jail, and there safely to keep him for twenty days, and to keep him twenty days longer unless said fine and costs are sooner paid, or until he be otherwise discharged by due course of law.

Witness my hand and seal, at aforesaid, the day of , in the year eighteen hundred and .

N—— C——,

Justice of the Peace.

Form of Complaint to search for intoxicating liquor, under section twenty-five of said Act.

Commonwealth of Massachusetts.

M——, ss.

To N. C., Esquire, a justice of the peace within and for the county of M——.

J. S. and L. P., both of B——, in said county of M——,

and both being of full age, and competent to testify, in behalf of the Commonwealth of Massachusetts, on oath, complain that they have reason to believe, and do believe, that intoxicating liquors, to wit:

[Here describe the liquors, as a certain quantity of rum, being about, and not exceeding, gallons; a certain quantity of gin, being about, and not exceeding, gallons, &c., according to the facts.]

on the day of , in the year one thousand eight hundred and , were, and still are, kept and deposited by D. E., of said B——, in a certain , situate

[Here describe the building or other place, with particulars of its location, sufficiently to identify it.]

in said B——, and occupied by the said D. E., and which liquors are intended by the said D. E. for sale in this Commonwealth, said D. E. not being authorized to sell the same in this Commonwealth, or to manufacture or keep the same for sale in this Commonwealth, for any purpose under the provisions of an act passed on the twentieth day of April, in the year of our Lord one thousand eight hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors," or by any other legal authority whatever, against the peace of the Commonwealth and the form of the statute in such case made and provided; and said complainants pray for a warrant to search said , described as aforesaid, for the said liquors, and that the same may be declared to be forfeited, and that the said D. E., and all other persons claiming an interest in said liquors, may be summoned to appear before the said justice, or some other justice of the peace or court having jurisdiction of the case, to show cause, if any they have, why the said liquors should not be declared forfeited.

[If the place intended to be searched be a dwelling-house, used and occupied exclusively as such, and no tavern, store, grocery, eating-room or place of common resort, be kept therein, the complaint should conclude as follows:—]

And I, J. S., one of the above named complainants, on oath, say that I have reason to believe, and do believe, that intoxicating liquor, such as is above mentioned, has been sold in the house above mentioned, [or has been taken from the house above mentioned for the purpose of being sold,] by the occupant of said house, or with the consent and permission of the occupant of said house, contrary to law, within one month next before this day, and that the said liquor above mentioned is now kept in said house for sale by the

said D. E., contrary to law; and my belief aforesaid, is founded on the following facts and circumstances:—

[Here let such facts and circumstances be stated.]

J—— S——.

L—— P——.

Received and sworn to at said B——, before me, this day of , in the year one thousand eight hundred and ; and it appears to me that there is probable cause to believe the foregoing complaint to be true.

N—— C——,

Justice of the Peace.

Form of Warrant to search a dwelling-house and seize liquors therein, unlawfully kept for sale.

Commonwealth of Massachusetts.

M——, ss.

To the sheriff of our county of M——, or either
[L. S.] of his deputies, or any constable of the town
of B——, in said county,

Greeting:

Whereas, J. S. and L. P., both of said B——, and both of full age, and competent to testify, on the day of , in the year one thousand eight hundred and , at said B——, in behalf of the Commonwealth aforesaid, on oath complained to the undersigned, one of the justices of the peace within and for said county of M——, that they have reason to believe, and do believe, that on the day of , in the year one thousand eight hundred and , at said B——, intoxicating liquors, to wit:—

[Here describe the liquors as in the complaint.]
are kept and deposited by D. E., of said B——, in a certain , situate

[Here describe the building or other place, as in the complaint.]

in said B——, and occupied by said D. E. as a , and that said liquors were, and are, intended for sale by the said D. E., in this Commonwealth, contrary to law—he, the said D. E., not being then and there authorized to sell, or manufacture, or keep such liquors for sale in this Commonwealth, for any purpose, under the provisions of an act entitled “An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors,” or by any other legal authority whatever, whereby said liquors have become liable to be forfeited.

Warrant to Officer to serve notice under section twenty-sixth of said Act.

Commonwealth of Massachusetts.

M——, ss.

To the sheriff of our county of M——, or either
 [L. S.] of his deputies, or any constable of the town
 of B——, in said county:—

[If the seizure be made in a city, the warrant may be directed to the city marshal and other city officers authorized to serve it.]

You are hereby commanded to serve the annexed notice, by delivering an attested copy thereof into the hands of D. E., of B——, in the county of M——, or leaving an attested copy thereof at his usual place of abode, and also by posting up another attested copy thereof on

[Here describe the building in which the liquor was seized, if it be found in any building; but if not found in any building, say in some public place in said town of B——.] and also by publishing an attested copy thereof twice [or more times if thought advisable] in the , a newspaper published in said B——; and you are hereby commanded to serve the said copy on said D. E., and to post another copy as above directed, and to publish the copy of the said notice the first time, at least fourteen days before the day of , in the year one thousand eight hundred and .

Hereof fail not, and make due return of this warrant, with your doings thereon.

Witness my hand and seal at said B——, this day of , in the year one thousand eight hundred and .

N—— C——.

Justice of the Peace.

Form of Notice under section twenty-sixth of said Act, to be annexed to the foregoing Warrant, and served as therein directed.

To D. E., of B——, in the county of M——, and to any and all other persons claiming any interest in [twenty gallons of rum in a barrel, two gallons of gin in a demijohn, and in said barrel and demijohn, or as the case may be,] which, by virtue of a warrant, issued by me, have been seized [at the dwelling-house of said D. E., in said B——, or as the case may be] on the day of , in the year eighteen hundred and , the value of which rum and gin, with the vessels containing them, does not in my opinion exceed twenty dollars.

You are hereby required to appear at

[Here name the place appointed for the hearing.]

in said B—, at o'clock, M., on the day of ,
in the year one thousand eight hundred and , to answer
to the complaint against the said liquors and the vessels
containing them, and for trial, and to show cause, if any you
have, why the said liquors and the vessels containing them
should not be forfeited for being kept for sale by the said
D. E., in violation of the laws of this Commonwealth.

Witness my hand at B—, this day of , in the
year one thousand eight hundred and .

N— C—,

Justice of the Peace.

Warrant to Officer to serve notice under section thirty of said Act.

Commonwealth of Massachusetts.

M—, ss.

To the sheriff of our county of M—, or either
[L. s.] of his deputies, or any constable of the town of
B—, in said county:—

[If the seizure be made in a city, the warrant may be
directed to the city marshal and other city officers author-
ized to serve it.]

You are hereby commanded to serve the annexed notice,
by delivering an attested copy thereof into the hands of D.
E., of B—, in the county of M—, or by leaving an at-
tested copy thereof at his usual place of abode, and also by
posting up another attested copy thereof on

[Here describe the building in which the liquor was seized, if
it be found in any building; but if not found in any build-
ing, add, in some public place in said town of B—.]
and also by publishing an attested copy thereof twice [or
more times if the magistrate thinks it necessary] in the
, a newspaper published in said B—;
and you are hereby commanded to serve the said copy on
said D. E., and to post another copy as above directed, and
to publish the copy of the said notice the first time, at least
fourteen days before the day of , in the year eighteen
hundred and .

Hereof fail not, and make return of this warrant, with
your doings thereon, before the justices of our court of com-
mon pleas next to be holden at C—, in and for our county

of M——, on the day of , in the year eighteen hundred and .

Witness my hand and seal at said B——, this day of , in the year one thousand eight hundred and .

N—— C——,

Justice of the Peace.

Form of Notice under section thirty of the said Act, to be annexed to the foregoing Warrant.

To D. E., of B——, in the county of M——, and to any and all other persons claiming any interest in [one hundred gallons of brandy in two hogsheads, and two gallons of gin in a demijohn, and in said hogsheads and demijohn, or as the case may be,] which, by virtue of a warrant issued by me, have been seized [at the dwelling-house of said D. E., in said B——, or as the case may be,] on the day of , in the year one thousand eight hundred and , the value of which brandy and gin, with the vessels containing them, in my opinion, exceeds twenty dollars.

You are hereby required to appear before the justices of the court of common pleas next to be holden at C——, in said county of M——, on the day of next, to answer to the complaint against the said liquors, and vessels containing them, and for trial, and to show cause, if any you have, why the said liquors and vessels containing them should not be forfeited for being kept for sale, by the said D. E., in violation of the laws of this Commonwealth.

Witness my hand and seal at B——, this day of , in the year one thousand eight hundred and .

N—— C——,

Justice of the Peace.

Form of Warrant to deliver liquor, suitable for chemical, medicinal or mechanical purposes, to town agent, and to destroy liquor unsuitable for such purposes.

Commonwealth of Massachusetts.

M——, ss.

To L. M., deputy sheriff, [here name the officer having the liquor in custody,] and S. T., a person appointed by N—— C——, a justice of the peace for said county, to witness the destruction of certain intoxicating liquors,

Greeting:

Whereas, certain intoxicating liquors, to wit, [ten gallons of gin in a barrel, and four gallons of port wine in a demi-

john, or as the case may be,] have been declared forfeited by me, the subscriber, one of the justices of the peace in and for the county of M——, for having been kept by D. E., of B——, in said county of M——, at said B——, on the day of , in the year eighteen hundred and , with intent to sell the same in this Commonwealth, he not being then and there authorized so to sell the same, under the provisions of an act passed the twentieth day of April, in the year eighteen hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors," or by any lawful authority whatever: whereupon I declared and adjudged, among other things, that the said liquors, with the vessels in which they are contained, were forfeited to the Commonwealth: and whereas, after hearing the evidence in the case, and examining the said liquors, I was of opinion that a part of said liquors, to wit, the said [ten gallons of gin,] are suitable for medicinal purposes, and that the rest of said liquors, to wit, the said [four gallons of port wine,] are not suitable for chemical, medicinal or mechanical purposes:—

Now, I hereby command you, the said L. M., to deliver the said [ten gallons of gin] to U. T., agent of said town of B——, [or such agent as may be appointed,] for the sale of spirituous liquors, to be by him sold according to law, and the net proceeds paid over to the treasurer of the Commonwealth; and I further order you, the said L. M., to destroy the said [four gallons of port wine] in the presence of S. T., a person appointed by me to witness the destruction thereof, and make return of your doings on this precept. And we command you, the said S. T., to attend and witness the destruction thereof, and to join the said L. M. in attesting the fact of the destruction of the said liquor, in the return on the back of this precept.

And make return of this precept, with your doings thereon. Witness my hand and seal, at said B——, the day of , in the year eighteen hundred and .

N—— C——,

Justice of the Peace.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

An Act limiting the time for bringing Actions under the three hundred and twenty-second chapter of the Acts of eighteen hundred and fifty-two. *Chap. 398*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All actions for damages claimed under the provisions of the three hundred and twenty-second chapter of the acts of eighteen hundred and fifty-two, entitled "An Act concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors," shall be commenced within six months from the passage of this act, and not afterwards. Actions limited.

SECT. 2. The act entitled "An Act limiting the time for bringing Actions under the three hundred and twenty-second chapter of the acts of eighteen hundred and fifty-two," and approved on the thirty-first day of March, of the current year, is hereby repealed. Act repealed. [*Approved by the Governor, May 19, 1855.*]

An Act concerning the places of holding certain Terms of the Supreme Judicial Court and the Court of Common Pleas, in the County of Essex. *Chap. 399*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The term of the supreme judicial court now holden at Ipswich, within and for the county of Essex, on the eighth Tuesday next after the first Tuesday in March, annually, shall hereafter be holden at Salem, within and for said county, on the eighth Tuesday next after the first Tuesday in March, annually. Place of holding term of S.J. Court changed.

SECT. 2. The term of the court of common pleas now holden at Ipswich aforesaid on the third Monday of June, annually, shall hereafter be holden at Salem on the third Monday of June, annually; and the term of said court now holden at Lawrence on the third Monday of December, annually, shall hereafter be holden at Salem on the third Monday of December, annually; and the term of said court now holden at Salem on the third Monday of March, annually, shall hereafter be holden at Lawrence on the third Monday of March, annually. Place of holding Court of Common Pleas changed.

SECT. 3. All writs and processes, of whatever nature, returnable to, or now pending, and which would have day in the supreme judicial court or court of common pleas to be holden at Ipswich, Salem or Lawrence, as aforesaid, if this act had not been passed, shall be returnable to, and have day Returns of processes, etc.

in court, at said terms, at the places established by this act for holding the same; and all parties or persons who have been required to appear and attend at the terms aforesaid to be holden at Ipswich, Salem or Lawrence, as aforesaid, if this act had not been passed, shall appear, attend and have day in court at said terms, at the places established by this act for holding the same, according to its true intent and meaning.

Inconsistent acts repealed.

SECT. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

Chap. 400

An Act to authorize the Charles River Railroad Company further to extend their Line.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May extend railroad.

Route.

SECT. 1. The Charles River Railroad Company are hereby empowered to construct a railroad with one or more tracks, diverging from their chartered and constructed line at some point in the town of Newton, and running thence through the town of Brighton, crossing the Boston and Worcester Railroad to a point on Charles River, northerly and westerly of the Western Avenue Bridge, and crossing Charles River by a suitable bridge, thence through the city of Cambridge, crossing Putnam Street easterly of Hilliard's brick house; crossing Main Street at or near its junction with Ellery Street, running under or near Ellery Street on the westerly side thereof, and having its westerly line not more than seventy-five feet from the easterly side of Ellery Street to Harvard Street, thence curving towards Dana Street and crossing Broadway as near Dana Street as may be practicable; thence crossing Cambridge Street, curving easterly and passing through the southerly part of Somerville, across Line Street, Hampshire Street, Prospect Street, and Webster Avenue, to a point near the southerly line of the Fitchburg Railroad easterly of the Glass-house, thence parallel with the Fitchburg Railroad, crossing the Grand Junction, or Union, and the Boston and Lowell Railroads, and thence turning and running southerly not less than one hundred and fifty feet southerly of the bridge of the Fitchburg Railroad, between Charlestown and Somerville, as the same has been built and now stands, unless by agreement with said Fitchburg Railroad Company, across Charles River

to a point on the Eastern Railroad, or on the Boston and Lowell Railroad, or to a point in the city of Boston between the termini of the two; and said Boston and Lowell Railroad Corporation are hereby authorized to curve and change their bridges and tracks to make room for the same, with the right to said railroad to enter the city of Boston in connection with either of the said aforementioned railroads, with the consent thereof, and to take such lands not held by any other railroad for similar purposes as may be necessary for the purposes of their road and depots, according to law.

Rights, etc.

SECT. 2. The crossing of said Charles River Railroad, over the Boston and Worcester Railroad, shall be by a good and substantial bridge, which shall be constructed and maintained, in safe condition and repair, by said Charles River Railroad Company; and such bridge shall be so constructed as to leave a clear space of not less than fifty feet between the abutments, and shall be seventeen feet clear above the top of the rail of said Boston and Worcester Railroad.

Crossing, how constructed.

SECT. 3. The bridges across Charles River shall be constructed in a thorough, safe and substantial manner, with commodious and convenient draws and suitable piers to facilitate the passage of vessels; and said company shall keep the piers and draws in good repair, and shall open the same and afford all proper accommodations to vessels having occasion to pass the same by day or night.

Bridges across Charles River.

SECT. 4. The said railroad shall in no case cross any existing highway at its grade and without a bridge therefor, except with the express consent of the proper authorities of the city or town where the same may be; but shall pass over or under all such highways, or shall pass such highways over or under said railroad by means of safe and durable and commodious bridges or tunnels, to be by said company constructed and maintained for said railroad or highway, as may be, subject to the reasonable approval of the authorities aforesaid, and the necessary alteration of the grade of any such highway shall also be subject to such approval.

Highway crossings.

SECT. 5. From the point where said railroad enters Dana Hill southerly of the Main Street, in the city of Cambridge, to the point where it leaves Broadway, it shall pass by a continuous tunnel of brick or stone mason work, passing under Main, Ellery, Harvard and Broadway Streets, without disturbing the inclinations or rate of grade of either thereof; and if the grade of any street be altered, it shall be under the direction and to the reasonable approval of the proper authorities of said city.

Mode of passing certain streets.

Depots.

SECT. 6. Said company shall establish depots in Brighton, Cambridge and Somerville, subject to the reasonable approval of the proper authorities thereof, and shall stop such trains at said depots as may reasonably accommodate the citizens thereof.

Not to cross other roads at grade.

SECT. 7. Said railroad shall not cross any other railroad than the Grand Junction or Union, at grade, except with the consent of such railroad.

May take and use bridge, etc.

SECT. 8. Said railroad company may take and use the new bridge across Charles River, erected by and for the use of the Boston and Lowell Railroad Corporation, with their consent, or upon erecting and furnishing to them a like and as well constructed bridge westerly of the same.

Duties, liabilities, etc.

SECT. 9. Said company shall, with respect to the new line hereby authorized, be subject to all the duties, liabilities and restrictions, and enjoy all the rights and privileges, set forth in the forty-fourth and thirty-ninth chapters of the Revised Statutes, relating to railroads, and in the acts incorporating and extending said Charles River Railroad.

Other roads may use, etc.

SECT. 10. The legislature may authorize any railroad corporation to enter with their railroad on and use said railroad, or any part thereof, by complying with such reasonable rules and regulations as said Charles River Railroad Company may prescribe, and by paying such tolls as may be agreed upon by the parties, or be determined by law.

Location filed in one year and completed in three years.

SECT. 11. If the location of such new line of railroad be not filed according to law within one year after the time when this act shall take effect, and if the same be not constructed within three years thereafter, then this act shall be void. [*Approved by the Governor, May 19, 1855.*]

Chap. 401 An Act to regulate the Fisheries in Taunton Great River and the Newmarket River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Catching shad or alewives prohibited at certain seasons.

SECT. 1. From and after the passage of this act it shall not be lawful for any person or persons to catch shad or alewives in any manner, in Taunton Great River or in Newmarket River, from the first day of March to the tenth day of June, including both of said days, in each year, except as hereinafter provided in this act.

Fishing privileges sold at auction.

SECT. 2. The several cities and towns hereafter in this section named shall, annually, in legal meeting to be held for that purpose, on or before the fifteenth day of November

in each year, sell at public auction, to the highest bidder, who shall give satisfactory security for the payment therefor, for the benefit of said cities and towns respectively, the privilege of taking shad and alewives in Taunton Great River between the days aforesaid, and including those days, in the year next succeeding such sale, with the number of seines following: the city of Fall River and town of Free-town may each sell the privilege of fishing with one seine for the purpose aforesaid; the towns of Somerset, Dighton, Berkley and Raynham may each sell the privilege of fishing with two seines for the purpose aforesaid; and the town of Taunton may sell the privilege of fishing with three seines for the purpose aforesaid; which privileges of fishing shall be sold separately, and the purchaser or purchasers thereof may locate and use the privilege or privileges by him or them obtained at any such sale, at any place upon said Taunton Great River which he or they may select or procure, with the consent of the owner or owners of the shore on which such location or locations may be made.

Number of seines.

Location of privileges.

SECT. 3. No seine that shall be used for the purpose of fishing in said Taunton Great River, in the towns of said Taunton and Raynham, and in the towns of Dighton and Berkley, above Rocky Point, shall be more than twenty rods in length; and no seine that shall be used for such purpose in said towns of Berkley and Dighton, below Rocky Point, shall be more than thirty-five rods in length; and no seine that shall be used for such purpose in the towns of Somerset, Freetown, or the city of Fall River, shall be more than forty rods in length. And no shad or alewives shall be taken by any instrument or means at any time within one mile and a half of the dam near "King's Bridge," so called, in Squawbetty Village.

Length of seines.

SECT. 4. No seine shall be allowed to be set or remain in said Taunton Great River for any longer time than is necessary to cast the same and haul it immediately to the shore. And no seine or other obstruction, to hinder the fish going up, shall be put in the river below the dam at Squawbetty Village, during the time not allowed for fishing, hereinafter mentioned. And all locations that shall be made on the shore of said river for the purpose of fishing, shall have the upper and lower limit thereof designated by some proper object on the shore, which shall not be changed during any one fishing season; and such locations shall be forty rods in length above Rocky Point, and forty-five rods in length below Rocky Point. And no seine shall be swept without

Limits of fishing privileges, etc.

the compass of two parallel lines drawn, the one from a point ten rods above the upper limit, and the other from a point ten rods below the lower limit, of all locations above Rocky Point, and at right angles with a line drawn from such upper and lower limits, or without the compass of two parallel lines drawn, the one from a point thirty rods above the upper limit, and the other from a point thirty rods below the lower limit, of all locations below Rocky Point, and at right angles with a line drawn from such upper and lower limits,—all said distances above and below to be measured on the shore of said river. And no seine shall be swept more than fifty rods in the river above Rocky Point, or more than seventy-five rods in the river below Rocky Point, at any one sweep.

Days of fishing.

SECT. 5. No shad or alewives shall be taken in any part of Taunton Great River or the Newmarket River, between the hours of nine o'clock on Friday evening of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June, in each year, hereafter, including both of said days; and no shad or alewives shall be taken in Taunton Great River above Berkley and Dighton Bridge, between the hours of twelve o'clock in the night following Thursday of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June, in each year, including both of said days.

Purchasers to file certificate of location.

SECT. 6. The several purchasers of the privileges aforesaid shall select the place where they intend to use the same for the purpose of catching shad and alewives, and shall file a certificate of such selection and the location thereof, with the clerk of the city or town within which such location shall be made, on or before the first day of March in each year hereafter. And the purchaser or purchasers so locating said privileges, shall have the right to catch shad and alewives in said Taunton Great River for the time named in the first and fifth sections of this act, at their respective locations to be made as aforesaid, and no other persons except the assistants of such purchaser or purchasers.

Duty of fish warden in regard to violations of this act.

SECT. 7. No person shall set any seine, net, weir or other hindrance or obstructions in or across said river, or any part thereof, or in any of the waters connected therewith, except in the mouth of Broad Cove, so called, in the towns of Dighton and Somerset; nor shall any person at any place on said waters, drive or pursue with any boat or boats, contrary to the intent and meaning of this act, any shad or

alewives; nor shall any person whip or beat the said waters with any instrument or thing, or throw into said waters any earth or other substance or thing, whereby said fish shall be hindered, disturbed, driven, destroyed or delayed, during the time named in the first section of this act. And if any person shall be found fishing with any seine, net or other instrument, contrary to the provisions of this act, and if any person shall be found having or conveying away in any building, boat or vessel, or in any cart or other vehicle, any fish taken in violation of the provisions of this act, knowing the same to be so taken, it shall be lawful for any fish warden, chosen in pursuance of the ninth section of this act, to enter any such building and take to his own use all such fish and any such seine, net or other instrument, any such boat, vessel, cart or other vehicle, without any warrant other than is given by the provisions of this section.

SECT. 8. The inhabitants of the towns of Middleboro' and Lakeville, shall have the whole control and management of the fisheries on the Newmarket River, and shall have the right to catch, by their committees or their agents, duly chosen in legal meetings, or to sell the right of catching, shad or alewives by set nets or dip nets, during the time named in the first section of this act, at any three places within the limits of said towns, to be designated for each year by said towns in legal meetings, each of such rights to be used only from four o'clock on Monday morning to nine o'clock on Friday evening of each week, and at no other time or places during the period named in said first section. And the net proceeds of such fishery or sales, shall be divided between the said towns of Middleboro' and Lakeville, in proportion to the number of ratable polls in each respectively, and the respective parts of such proceeds shall be disposed of by said towns respectively, in such manner and for such purposes as each town shall for itself determine and direct.

Right of fishing
on Newmarket
River.

Proceeds, how
disposed of.

SECT. 9. The several towns aforesaid, at their annual meetings in the month of March or April, and the mayor and aldermen of any city, upon said river, at any meeting, shall choose by ballot, each, three or more persons for fish wardens, whose duty it shall be to see that this act is enforced, and prosecute for all breaches or violations thereof; and each fish warden so chosen shall be sworn to the faithful discharge of his duty by the clerk of any city or town in which he shall be chosen, within ten days after his election; and said clerk shall make record thereof; and such fish

Choice of fish
wardens.

To be sworn.

Penalty for neglect.

Penalty for neglect of towns, etc.

Fishway to be kept open.

Proviso.

Fine for wilful neglect.

Penalty for violation, etc.

wardens, when duly sworn, are authorized to measure seines and locations, and to pursue the duties of their office in any place, and to enter any building where they have good cause to believe any fish taken in violation of the provisions of this act, are kept. And if any person chosen fish warden as aforesaid shall neglect, for the space of ten days after his election, being notified thereof, to take the oath aforesaid, he shall forfeit and pay, to the use of the town or city in which he was so elected or chosen, a fine of ten dollars, to be recovered in an action of tort, in the name of the treasurer of such town or city, and the town or city shall proceed to fill the vacancy created by such refusal to be qualified as aforesaid; and if any of said towns or city shall neglect to choose fish wardens as aforesaid, or to make sale of their privileges as aforesaid, such town or city shall forfeit and pay a fine of one hundred dollars, to be recovered in an action of tort, to the use of any person who shall sue for the same.

SECT. 10. The proprietors of the mills and dam at King's Bridge, in Squawbettey Village, and all other proprietors of dams on said rivers, shall keep open a good and sufficient way for the passage of the fish that usually go up said Taunton Great River in their usual and proper season during the time named in the first section of this act: *provided*, such fishway need not be kept open in the spring of the year before such proprietors, or some one of them, or their agent or agents, shall have been notified to open them by some fish warden. And the proprietors of any dam on said rivers who shall not comply with the provisions of this section, shall forfeit and pay the sum of twenty dollars for each and every day during which they shall wilfully neglect to comply therewith, to be recovered in an action of tort to the use of any fish warden who shall sue for the same in any court of competent jurisdiction.

SECT. 11. Any person who shall violate any of the provisions of this act, or shall take any shad or alewives in the waters aforesaid, at any time, or in any manner, contrary to the provisions of this act, shall forfeit and pay a sum of not less than five, nor more than fifty dollars, to be recovered in an action of tort, in any court having jurisdiction, of either of the parties to such action, to the use of the person who shall sue for the same; or shall, upon complaint made before any justice of the peace having jurisdiction of the offence, and conviction thereon, be punished by fine not exceeding twenty dollars, and imprisonment not exceeding sixty days.

And in any suit or complaint instituted under the provisions of this section, the right of appeal shall be had to the court of common pleas by either party in such action, or the defendant in such complaint.

SECT. 12. This act shall take effect from and after its passage; and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. *[Approved by the Governor, May 19, 1855.]* Inconsistent acts repealed.

An Act to increase the Capital Stock of the Ocean Bank.

Chap. 402

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The president, directors and company of the Ocean Bank, in Newburyport, are hereby authorized to increase their capital stock, by an addition thereto of fifty thousand dollars, in shares of fifty dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-six. Additional capital.
Shares \$50 each.
Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, May 19, 1855.]*

Chap. 403 An Act to incorporate the Salisbury and Amesbury Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Thomas J. Clark, Ezekiel Brown, Jonathan Nayson, their associates and successors, are hereby made a corporation, by the name of the Salisbury and Amesbury Mutual Fire Insurance Company, to be established in either of said towns, for the term of twenty-eight years, for the purpose of insuring dwelling-houses, stores, manufactories, mills, shops, tanneries, public dwellings, taverns, stables, and other property, real or personal, against loss or damage by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all subsequent laws of the Commonwealth, relating to mutual fire insurance companies.

Duration.

Powers, duties, etc.

Policies, when to be issued.

SECT. 2. No policy shall be issued till the sum of one hundred thousand dollars shall have been subscribed to be insured.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

Chap. 404 An Act to incorporate the West Stockbridge Branch Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Stephen R. Gay, Cyrus H. Woodruff and John P. Beekman, their associates and successors, are hereby made a corporation, by the name of the West Stockbridge Branch Railroad Company; with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, relating to railroad corporations, and in all other laws which have been or shall be passed relating to railroad corporations.

Name.

Powers, privileges, etc.

Location of railroad.

SECT. 2. Said company may locate, construct and maintain, a railroad, with one or more tracks, from some convenient point near the Iron Works, in West Stockbridge Village, to some convenient point of intersection with the West Stockbridge Railroad, north-easterly of, and not more than three thousand five hundred feet from, said works, at

which point the said company may unite their railroad, by proper turnouts and switches, with said West Stockbridge Railroad: *provided*, said company shall first obtain permission of said West Stockbridge Railroad Company therefor. Proviso.

SECT. 3. The capital stock of said company shall consist of not more than two hundred shares, the number of which shall be determined, from time to time, by the directors of said company; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part of said capital stock in real or personal estate as may be necessary and convenient for the purpose of their incorporation. Capital, not more than 200 shares at \$100 each.

SECT. 4. The said West Stockbridge Branch Railroad Company, and the West Stockbridge Railroad Company, are hereby authorized to unite, and when the two companies have so united, the stockholders of one company shall become stockholders in the other company, and the two companies shall constitute one corporation, by the name of the West Stockbridge Railroad Company; and all the franchises, property, powers and privileges, granted or acquired by the two companies, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations. The provisions in this section shall not take effect until said provisions shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. May invest in real and personal estate. May unite railroads. Name.

SECT. 5. If the location of the railroad herein granted shall not be filed within one year, and if the railroad shall not be constructed within two years from the passage of this act, the same shall be void. *[Approved by the Governor, May 19, 1855.]* When this section to take effect. Act void, unless, etc.

An Act for the Suppression of certain Common Nuisances.

Chap. 405

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All buildings, places or tenements, used as houses of ill-fame, resorted to for prostitution, lewdness, or for illegal gaming, or used for the illegal sale or keeping of intoxicating liquors, are hereby declared to be common nuisances, and are to be regarded and treated as such. Certain buildings regarded as nuisances.

Penalty for keeping same.

SECT. 2. Any person keeping or maintaining any such common nuisance shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year.

Lease of tenants made void, etc.

SECT. 3. If any person, being a tenant or occupant, under any lawful title, of any building or tenement not owned by him, shall use said premises, or any part thereof, for any of the purposes enumerated in the first section of this act, such use shall annul and make void the lease or other title under which said occupant holds, and without any act of the owner, shall cause to revert and vest in him the right of possession thereof; and said owner may make immediate entry, without process of law, upon the premises, or he may avail himself of the remedy provided in the one hundred and fourth chapter of the Revised Statutes; and the provisions of said chapter shall be deemed to extend to all such cases; and any person appealing from any judgment rendered upon said complaint, shall be required to enter into the same recognizance now provided by the one hundred forty-second chapter of the laws of eighteen hundred and forty-eight.

Possession to revert to owner.

Appellant to recognize.

Punishment for owner of building permitting nuisance.

SECT. 4. If any person shall knowingly let any building or tenement owned by him, or under his control, for any of the purposes in the first section of this act enumerated, or shall knowingly permit any such building or tenement, or any part thereof, to be so used while under his control, or shall, after due notice of any such use of said building or tenement, omit to take all reasonable measures to eject the said person or persons from said premises, as soon as the same may lawfully be done, he shall be deemed and taken to be guilty of aiding in the maintenance of such nuisance, and be punished by a fine of not less than one hundred, nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months. [Approved by the Governor, May 19, 1855.]

Chap. 406

An Act to authorize the City of Boston to build a Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

New bridge across Fore Point Channel.

The city of Boston are hereby authorized to widen and repair the bridge crossing Fore Point Channel at Sea Street, or may construct a new bridge near thereto, and for that purpose may drive piles in said channel necessary there-

On piles.

for, and also for draw piers and other uses which the city ^{Draws.} may deem expedient and proper for the public welfare and its own convenience; and said bridge, so constructed, shall be provided with good and suitable draws, which said city shall open and close at all times, for the accommodation of vessels having occasion to pass the same. [*Approved by the Governor, May 19, 1855.*]

An Act to authorize Edmund T. Dana and others to construct Dams and *Chap. 407*
Dikes, in Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Edmund T. Dana, Martha R. Allston, Sarah A. ^{Proprietors may construct dams or dikes in Cambridge.} Dana and Edmund T. Hastings, proprietors of marsh lands in that part of Cambridge called Cambridgeport, lying southerly of the Main Street, or Causeway, easterly of Brookline Street, and north-westerly of the Charles River, are hereby authorized to construct and maintain for themselves, their heirs and assigns, forever, dams or dikes, extending from the point where the railroad of the Grand Junction Railroad and Depot Company strikes the upland denominated Pine Grove, to the said causeway, along the marshes, and across the coves or creeks which intersect the same, so as to exclude from the marsh lands which lie between the said causeway, the said railroad and the said upland, the tide-water of the said river: *provided, however,* ^{Proviso.} that such dikes or dams shall not be at any point easterly of said railroad: and *provided, also,* that no part of said dikes or dams shall be built upon the five rods of land located over by the said railroad and depot company, without the consent of said company being first obtained: and *provided, also,* ^{Provided, also.} that proper sluiceways shall be made and maintained for the drainage of all the lands so enclosed, and that the main drains of the city of Cambridge, which do or shall intersect said marshes, shall be furnished with suitable sluiceways, under the direction of the mayor and aldermen of said city, and agreeably to the general laws of this Commonwealth concerning drains and sewers.

SECT. 2. The said Edmund T. Dana, Martha R. Allston, ^{May take lands necessary.} Sarah A. Dana and Edmund T. Hastings, may enter upon and take for the purposes aforesaid, any lands and flats necessary therefor, and within the limits aforesaid, and not more than three rods in width.

Damages.

SECT. 3. The damages, if any, sustained by any person or persons, by reason of such taking and construction, shall be ascertained and settled in the manner provided by law for the ascertainment and settlement of damages in the laying out and construction of railroads.

Act void, unless, etc.

SECT. 4. This act shall be inoperative unless such dams or dikes be constructed within two years from the passage hereof.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

Chap. 408 An Act to incorporate the Waltham and Watertown Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles A. Welch, David Townsend and Peter Dunbar, their associates and successors, are hereby made a corporation, by the name of the Waltham and Watertown Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from such point or points in the town of Waltham, and upon and over such of the streets or highways therein, as may be, from time to time, fixed by the selectmen of said town, with the assent of said corporation, in writing expressed, and filed with said selectmen, to the line of the town of Watertown, and thence upon and over such streets and highways of the town of Watertown to such point or points in said town of Watertown as may, from time to time, be fixed and determined by the selectmen of said town of Watertown, and assented to, in writing, by said corporation, and filed with said selectmen of Watertown: *provided, however,*

Power to construct railway.

Location.

Proviso.

that all tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns, respectively, shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience. And said corporation shall have power to fix, from time to time, such rates of compensation, for transporting persons or property, as they may think expedient, not exceeding five cents for each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Notice to the abutters on streets in which it may be proposed to lay the tracks of said corporation shall be given by the publication, in a newspa-

Powers, duties, etc.

Notice to abutters.

per published in the city of Boston, of an order of notice from the selectmen of the town in which said street lies, fourteen days, at least, prior to the location of any such tracks: *provided, however*, that, at any time after the expiration of one year from the opening for use of the track of said railroad in any street, said track, or any part thereof, may be discontinued by the vote of the major part of the selectmen of the town in which said track or part lies; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall, forthwith, be taken up and removed at the expense of said railroad company, and in conformity with such vote.

Location may be
revoked.

SECT. 2. Said tracks or roads shall be operated and used by said corporation with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The selectmen of said towns, respectively, shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require.

To be operated by
horse-power only.

SECT. 3. Said corporation shall maintain and keep in repair such portion of the streets as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants in the management, construction or use of said tracts or roads; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repairs, said corporation shall be liable to pay to said towns, respectively, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by said towns, or either of them, in defence of any suit or suits in which recovery shall be had; and said corporation shall not incur any portion of the streets not occupied by said road or tracks.

Repairs, etc.

SECT. 4. If any person shall, wilfully and maliciously, obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, said persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Penalty for ob-
structing, etc.

SECT. 5. If said corporation, or its agents or servants, shall, wilfully and maliciously, obstruct any highway, or the passing of any carriages over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Same subject.

Capital stock,
\$300,000. in shares
of \$50 each.

SECT. 6. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each. And no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall be first issued.

May hold real
estate.

SECT. 7. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes and management of said road.

Towns may pur-
chase, etc.

SECT. 8. The towns of Waltham and Watertown may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person who may then be a stockholder therein the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder therein; or either of said towns may purchase, on the same terms and conditions, that part of the corporate property which lies within its own limits, paying therefor a proportional sum, to be ascertained by commissioners to be appointed by the supreme judicial court.

Grade and gauge
of road.

SECT. 9. The said road shall be constructed and maintained, in such form and manner, and upon such grade and such gauge, as the selectmen of said towns may prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the selectmen of said towns, respectively.

Not to prevent
authorities, etc.

SECT. 10. Nothing in this act shall be construed to prevent the proper authorities within said towns from entering upon and taking up any of the public streets, traversed by said railroad, for the purposes for which they may now lawfully take up the same.

May issue bonds,
etc.

SECT. 11. Said corporation are hereby authorized to issue bonds for the purpose of constructing their road, the amount thereof not to exceed the amount of capital stock paid in, of the same kind, in the same manner, upon the same terms, conditions and restrictions, and to be approved, certified, recorded and secured, in all respects, in the same way

as the Cambridge Railroad have been authorized by law to issue bonds.

SECT. 12. This act shall be void, so far as relates to the right to construct said road in either of said towns, unless the same shall be accepted by the selectmen of said town and by said corporation, and ten per cent. of the capital stock thereof paid in within two years from and after the passage of this act. Act void, unless, etc.

SECT. 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, but not to the other general provisions of law in relation to railroad corporations. Returns.

SECT. 14. The existence of said corporation is hereby limited to the period of fifty years from the passage hereof. Duration.
[Approved by the Governor, May 19, 1855.]

An Act to incorporate the Trustees of the National Exhibition of Horses. *Chap. 409*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George M. Atwater, George Dwight, James M. Thompson, William Stowe, John L. King, and Joshua L. Briggs, of Springfield; David Aiken, of Greenfield; Arthur L. Devens, of Ware, and David Leavitt, of Great Barrington, their associates and successors, are hereby made a corporation by the name of the Trustees of the National Exhibition of Horses, for the purpose of promoting the improvement and breeding of horses; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount thirty thousand dollars. Purpose. Duties, liabilities, etc. Real and personal estate not to exceed \$30,000.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 19, 1855.]

Chap. 410 An Act to secure the daily reading of the Bible in the Public Schools of the Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bible in schools.

SECT. 1. The school committee of each town and city in this Commonwealth shall require the daily reading of some portion of the Bible, in the common English version, and shall direct what other books shall be used in the public schools.

Part of act repealed.

SECT. 2. The seventeenth section of the twenty-third chapter of the Revised Statutes is hereby repealed. [*Approved by the Governor, May 19, 1855.*]

Chap. 411 An Act to incorporate the Massachusetts Homœopathic Hospital.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. That Otis Clapp, John P. Jewett, Jacob Sleeper, Charles B. Hall, George Bancroft, John D. Richardson, Adam W. Thaxter, Jr., Simon G. Cheever, Otis Tufts, Robert L. Robbins, and James Dennie, Jr., and their associates and successors, are hereby made a corporation by the name of the Massachusetts Homœopathic Hospital; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Said hospital to be located in Boston.

Powers, privileges, etc.

May hold property for support of hospital.

SECT. 2. Said corporation may take and receive, hold, purchase and possess of and from all and any person or persons disposed to aid the benevolent purposes of this institution, any devises and grants of lands and tenements, in fee simple or otherwise, and any donations and bequests of money or other property, to be used and improved for the erection, support and maintenance of a hospital for sick persons.

Property not to exceed \$200,000, half in real estate.

SECT. 3. The property to be holden by said corporation shall not exceed in value two hundred thousand dollars, of which one-half may be in real estate.

By-laws.

SECT. 4. Said corporation may establish by-laws and rules for the government and regulation of its affairs, and may provide therein for the election of such officers as may be thought proper.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

An Act providing for the Classification of State Paupers.

Chap. 412

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The State almshouse, situated in the town of Monson, shall be, and is hereby, set apart for the purposes of a State pauper school; and all the children in the other State almshouses, and all who shall be hereafter entitled to be received into said institutions under the provisions of an act entitled "An Act in relation to Paupers having no Settlement in this Commonwealth," passed in eighteen hundred and fifty-two, chapter two hundred seventy-five, between five and sixteen years of age, shall be removed to, and received into, said State pauper school at Monson: *provided, however,* that the superintendents and inspectors of the respective State almshouses shall not so remove any children, as above, whom they judge to be *non compos mentis*, but they shall, at their discretion, recommend orphan children who may be under five years of age, and in cases of unusual privation of privileges, they may recommend children upwards of sixteen years of age, to be received, to enjoy the advantages of said pauper school; they shall likewise, at their discretion, retain any children of the above-described ages, a reasonable length of time, to give their parents or other relatives an opportunity to make provision for their maintenance and education; but they shall not be so detained for a longer period than two months, nor shall this provision apply to any one who is received the second time.

State pauper school at Monson for children between five and sixteen.

Proviso.

SECT. 2. The superintendent and officers of said institution shall be appointed as heretofore, special regard being had to their moral and intellectual fitness for the training and education of youth; they shall be entitled to the compensation and possess all the powers, heretofore enjoyed by the officers of the State almshouses, and they shall be subject to all the duties heretofore imposed: *provided,* that such privileges, powers and duties, do not conflict with any of the provisions of this act. A limited number of able-bodied females may be selected from the adult inmates of the other institutions, to do the work in said school: *provided, always,* that care shall be taken to select those who are morally and intellectually most suitable to be associated with children, and that, when it can be done consistently, the mothers of pupils shall be selected.

Appointment of superintendent, etc.

Proviso.

Selection of adult females, etc.

Proviso.

SECT. 3. The counties which have heretofore sent State paupers to Monson shall hereafter be divided as follows,

Division of State paupers.

viz.: The counties of Worcester, Norfolk and Hampden, shall send all State paupers that are not above assigned to the State pauper school, to the State almshouse at Bridgewater, and the counties of Hampshire, Franklin and Berkshire, shall send all State paupers not assigned to said State pauper school, to the State almshouse at Tewksbury. And it shall be the duty of the inspectors and superintendents of the respective State almshouses to see the provisions of this act carried into effect on or before the twenty-ninth day of June, in the year of our Lord eighteen hundred and fifty-five. [*Approved by the Governor, May 19, 1855.*]

Chap. 413 An Act in relation to the Houses of Correction in the County of Essex.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Relating to houses of correction.

SECT. 1. The fifth section of the one hundred and fifty-fourth chapter of the acts of the year eighteen hundred and forty-six is hereby repealed; and the provisions of the eleventh chapter of the acts of said year are hereby revived, in their effect upon the said county of Essex.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

Chap. 414

An Act to secure General Vaccination.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Vaccination of children.

SECT. 1. Parents and guardians of youth, shall cause the children under their care to be vaccinated before they attain the age of two years.

Duty of school committees.

SECT. 2. The school committee of the several towns and cities, shall not allow any child to be admitted to, or connected with the public schools, who has not been duly vaccinated.

Selectmen, etc., shall enforce vaccination.

SECT. 3. The selectmen of the several towns, and the mayor and aldermen of every city, shall enforce the vaccination of all the inhabitants of said towns and cities; and every parent or guardian of youth who shall not cause his or her child or ward to be vaccinated, (the said child or ward being more than two years of age,) shall be liable to

Fine for neglect.

a fine of five dollars for each and every year's neglect, to be recovered on complaint of the selectmen of the town, or of the mayor and aldermen of the city, for the benefit and use of said town or city.

SECT. 4. The selectmen of the several towns, and the mayor and aldermen of every city, shall enforce re-vaccination whenever they shall judge the public health requires the same: *provided*, that none shall be required to be re-vaccinated who shall prove, to the satisfaction of said selectmen, or mayor and aldermen, that they have been successfully vaccinated, or re-vaccinated, within five years next preceding; and any neglect of such requirement of the selectmen, or of the mayor and aldermen, shall render the person or persons guilty of such neglect, liable to a fine as above, to be recovered as aforesaid, for the use of said town or city.

Re-vaccination to be enforced.

Proviso.

SECT. 5. It shall be the duty of all incorporated manufacturing companies, of all the superintendents of almshouses, State reform schools, lunatic hospitals, and of all other places where the poor or sick are received, and of masters of houses of correction, jailers, or keepers of prisons, the warden of the State Prison, and of the superintendents or officers of all other institutions supported wholly or in part by the State, to cause all the inmates of the above-named institutions to be properly vaccinated. And all persons hereafter received into such institutions shall be vaccinated immediately on their entrance, unless such persons can show sufficient evidence of previous vaccination within the term of five years.

Inmates of certain institutions to be vaccinated.

SECT. 6. The towns and cities shall be at the expense of furnishing the means of vaccination to such of their own citizens as may be unable to meet the same. All public institutions and incorporated manufacturing companies, named in section five, shall provide the means of vaccination at the expense of said institutions and corporations.

Expenses, etc.

SECT. 7. This act shall take effect on and after its passage. [*Approved by the Governor, May 19, 1855.*]

An Act to incorporate the Cambridgeport Railroad Company.

Chap. 415

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Hiram Brooks, Josiah Burrage, Jr., James C. Fiske, their associates and successors, are hereby made a corporation by the name of the Cambridgeport Railroad

Corporators.

Duties, liabilities, etc.

Company; with all the powers and privileges, duties, liabilities and restrictions, set forth in any and all statutes which have been, or shall be, passed relating to railroad corporations.

Location.

SECT. 2. Said company may construct a railroad from some convenient point near the crossing of the railroad of the Grand Junction Railroad and Depot Company and the street in Cambridge called Broadway; thence south-easterly along Broadway to the causeway of the Hancock Free Bridge Corporation; thence along the lands lying northerly of said causeway to the easterly end of Mason's Wharf, so called; thence across said causeway; thence westerly along the lands lying southerly of said causeway to said railroad of the Grand Junction Railroad and Depot Company, uniting therewith, by proper means, at both extremities of the railroad hereby authorized.

Capital stock, 250 shares, of \$100 each.

SECT. 3. The capital stock of this corporation shall consist of not more than two hundred and fifty shares, the number whereof shall be determined, from time to time, by the directors thereof; and no assessments shall be laid thereon of greater amount in the whole than one hundred dollars on each share.

May hold real estate, etc.

SECT. 4. Said corporation may take, purchase and hold such real estate, and may purchase and hold such horses, cars and other chattels, as may be necessary for the use of said railroad, and for the purposes of transportation: *provided, however*, that no lands on either side of said causeway shall be taken without the consent of the owners thereof, and that said railroad shall not be constructed across said causeway, without the consent of the directors of the Hancock Free Bridge Corporation and of the directors of the Cambridge Railroad Company; and the directors of said bridge corporation are hereby authorized to release to the company hereby established a right of way over any lands lying on either side of said causeway, and within the limits aforesaid, to which said bridge company has, or may be supposed to have, any claim.

Proviso.

Operated by horse power only.

SECT. 5. No other power shall be employed upon said railroad but horse-power; and in other respects its use along said Broadway and across said causeway, shall be under the control of the mayor and aldermen of Cambridge and the directors of the Hancock Free Bridge Corporation, respectively.

Location filed in one year, and to be completed in three years.

SECT. 6. If the location of said railroad be not filed according to law in one year, and if said railroad be not

completed within three years from the passage of this act, then no more land shall be taken as aforesaid, nor shall any further part of said railroad be constructed over land theretofore taken. [*Approved by the Governor, May 19, 1855.*]

An Act in relation to Voting Lists.

Chap. 416

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever the authorities of any city or town shall make up the list of legal voters of said city or town, they shall, before putting upon said list the name of any naturalized citizen, require such person to produce, for their inspection, his papers of naturalization, and shall be satisfied that such person has been duly and legally naturalized, except that they need not require the production of said papers by any person after they shall have once examined and passed upon the same. [*Approved by the Governor, May 19, 1855.*]

Naturalization papers to be produced.

An Act in addition to "An Act to incorporate the Proprietors of the City Hotel, in Worcester." Chap. 417

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the three hundred and fortieth chapter of the acts passed in the year one thousand eight hundred fifty-three as gives the City Hotel Corporation the powers and privileges, and subjects them to all the duties, liabilities and restrictions, set forth in the thirty-eighth chapter of the Revised Statutes, is hereby repealed.

Act of 1853 repealed.

SECT. 2. The said corporation may hold real and personal estate to an amount not exceeding one hundred and thirty thousand dollars. [*Approved by the Governor, May 19, 1855.*]

May hold real and personal estate not exceeding \$130,000.

An Act in addition to an Act relative to "Proprietors of Lands, Wharves, general Fields, and other Real Estate lying in Common." Chap. 418

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If the proprietor of land in any common field shall enclose his own land at his own expense, and cultivate or appropriate it to his exclusive use and benefit, said proprietor shall no longer be assessed, so far as said enclosed

Land enclosed exempt from assessment.

land is concerned, for any expenses incident to said common field, neither shall he exercise any control over the portion of said field not thus enclosed, so far as relates to that portion of his land fenced and appropriated as aforesaid.

Act repealed.

SECT. 2. So much of the forty-third chapter of the Revised Statutes as is inconsistent with this act is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1855.*]

Chap. 419

An Act relative to Warren Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Liabilities to continue, in case, etc.

SECT. 1. Nothing contained in the act approved by the governor on the twenty-eighth day of April, in the year eighteen hundred and fifty-five, entitled "An Act in relation to the Charles River Bridge and the Warren Bridge," shall be so construed as to release the Fitchburg Railroad Company from their liabilities in relation to said Warren Bridge as provided by existing laws; but such liabilities shall, in all respects, continue in case said act of the twenty-eighth day of April, in the year eighteen hundred and fifty-five, shall be accepted by the city of Charlestown.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 420

An Act to incorporate the Constitution Wharf Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James M. Beebe, Enoch Train, Benjamin Bangs, Donald McKay, John M. S. Williams and Frederick W. Thayer, their associates and successors, are hereby made a corporation by the name of Constitution Wharf Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, liabilities, etc.

May purchase and hold land and flats within certain limits.

SECT. 2. Said corporation may purchase and hold the whole or any part or parts of the certain land and flats in the city of Boston within the following limits, to wit: between the premises of the Winnisimmet Company on the northerly side of the said land and flats, Commercial Street on the westerly side of the said land and flats, and the premises

known as Battery Wharf on the southerly side of the said land and flats, with all the rights, privileges and appurtenances thereto belonging; and the said corporation may maintain a wharf within the said limits, and lay vessels thereat, and receive dockage therefor, and may excavate docks and construct warehouses, stores and sheds upon the land above mentioned, and maintain and lease the same, and make any improvements in warehouses necessary for the accommodation of a line of European steamships.

SECT. 3. Nothing herein contained shall authorize the said corporation to erect any structure below the commissioners' line, established by chapter two hundred and twenty-nine of the acts of eighteen hundred and thirty-seven, chapter thirty-five of the acts of eighteen hundred and forty, and by other acts in addition to the same, which the owners of the said land and flats may not legally do at the time of the passage hereof, or to fill up any flats which the said owners may not now fill up.

SECT. 4. The capital stock of the said corporation shall consist of eight hundred shares of five hundred dollars each.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to establish a Board of Pilot Commissioners for this Commonwealth. *Chap. 421*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The governor, with the advice and consent of the council, is hereby authorized to appoint and commission three persons to execute the office of commissioners of pilots for the State of Massachusetts, who shall hold their office during the term of three years, unless sooner removed by the governor and council.

SECT. 2. The said commissioners shall grant commissions as pilots in and for the several ports or harbors, to such number of competent and trustworthy persons as they may deem necessary; and also shall grant general commissions as bay pilots, to all port pilots, who may, on examination, prove competent to serve as such for any two or more ports within the State. They may also, at their discretion, grant to such persons not being port pilots, as they may deem expedient, not to exceed ten in number, general commissions as bay pilots, with authority to pilot vessels into such ports as they may prove, upon examination, familiar with and competent for. And all general or bay pilots so

May maintain wharf, etc.

Restrictions.

Capital stock, 800 shares, of \$500 each.

Pilot commissioners, how appointed.

Commissioners to grant commissions as port and bay pilots, etc.

Duties of pilots.

commissioned, shall be authorized to take charge of all vessels which they may board outside of the lines established as the limits of the peculiar pilotage ground of the several ports, and to pilot such vessels into their port of destination, if included within their commission; and no other pilot subsequently boarding any such vessel, shall, in such case, have the right to interfere or claim the pilotage fees for such vessel, or any part thereof; and if the port of destination of such vessel shall not be included within the commission of the pilot first boarding her as aforesaid, any pilot who may subsequently board such vessel, and within whose commission her port of destination may be included, shall be authorized to take charge of such vessel, and to carry her into port. And in such case the pilotage fees shall be divided between the two pilots *pro rata*, according to the distances passed under the charge of each, to be adjusted, in case of dispute, by the decision of the commissioners, or either of them: *provided*, that in no case the pilot first boarding the vessel shall receive less than five dollars out of the pilotage fees aforesaid: *provided, however*, that no pilot shall be authorized to interfere with the regular port pilots within the lines established as the limits of the peculiar pilotage ground of any port, by boarding any vessel within said lines, if any pilot of said port be out in the waters of said port, and in sight at the time. But if no pilot of said port be at the time out in the waters of said port and in sight, then any general or bay pilot commissioned for the port, may take charge of any vessel within said lines, and pilot her into port, and receive the usual fees therefor. And if in such case the vessel be subsequently boarded by any regular pilot of the port, the general pilot first boarding her shall receive *pro rata* pilotage, and not less in amount than five dollars, as in the preceding case provided.

Pilotage fees.

Proviso.

Provided, however.

Pilots to give bond.

SECT. 3. No person shall receive a commission, or exercise the office of a pilot, until he shall have deposited with the treasurer of the Commonwealth a bond in the penal sum of one thousand dollars, payable to the said treasurer, and with sureties satisfactory to the said commissioners, for the faithful performance of all the duties required by law of any pilot.

Commissioners to keep an office and register complaints, etc.

SECT. 4. The commissioners of pilots shall keep an office, to be open at all times, to receive and consider, and register in a book kept for the purpose, complaints by and against pilots, and to examine the evidence concerning the same; and in case any pilot shall be guilty of any act whereby the

condition of this bond shall be broken, the said commissioners shall make individual complaint thereof to the treasurer of the Commonwealth, who shall cause a suit to be forthwith commenced, and security to be taken for the benefit of all persons who may have suffered by the misconduct or negligence of such pilot, and the like proceedings and judgment shall be had and rendered in such suit, as in the case of sheriffs' bonds.

SECT. 5. Once in every three months each pilot shall render to the said commissioners of pilots, an account of all vessels piloted, and of all moneys received by him, or by any person for him, for pilotage, and he shall pay to the commissioners six per cent. on the amount thereof, which shall be taken in full for their official services, and for the expenses of the office; and said pilots may add six per cent. to the rates established by law at the time when they shall perform the service of piloting any vessel; and they may collect the same in the like manner as they are now authorized to collect the pilotage fees; and if any pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding fifty dollars.

Pilots to render account every three months, etc.

Penalty for false returns.

SECT. 6. The commissioners of pilots may, from time to time, alter or amend any of the existing regulations, and may make any new regulations therefor, and all such altered, amended and new regulations, after being approved by the governor and council, and being published one week in one of the newspapers printed in the county or city to which such regulations apply, shall be binding on all persons; and the said commissioners, at least twice a year, shall publish all the regulations which shall at such times be in force concerning the pilotage of the Commonwealth; and also shall see that the said regulations, and the laws concerning pilots and pilotage are duly observed and executed; and the publishing of all the laws and regulations which may be deemed necessary, shall be paid by the said commissioners.

Commissioners may alter existing regulations, etc.

SECT. 7. The commissioners of pilots shall keep a record of all their doings, and on or before the first day of January in each year, shall make a return of the same to the secretary of the Commonwealth.

Commissioners to make returns to secretary of state.

SECT. 8. If any person not having a branch commission or warrant as a pilot, shall undertake to pilot into or out of any harbor of this Commonwealth, any vessel excepting such as are excepted in the seventh section of chapter thirty-two of the Revised Statutes, he shall forfeit a sum not exceeding fifty dollars for each offence.

Penalty for piloting without commission.

When to take
effect.

SECT. 9. This act shall take effect from and after the first day of July, in the year one thousand eight hundred and fifty-five, from which time all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, May 21, 1855.*]

Chap. 422 An Act supplementary to an Act entitled "An Act to regulate the Sale of Wheat, Corn, and other Grains and Meal."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1855
amended.

The second section of the act passed April twenty-eighth one thousand eight hundred and fifty-five, entitled "An Act to regulate the Sale of Wheat, Corn, and other Grains and Meal," shall be so construed as to authorize and require the mayor and aldermen of the city of Boston to appoint one principal measurer for the said city, who shall have authority to appoint deputies ; and the said measurer and his deputies may and shall exercise all the powers and perform the duties prescribed in the said act to be exercised and performed by measurers of grain. [*Approved by the Governor, May 21, 1855.*]

Chap. 423 An Act in addition to an Act entitled "An Act for incorporating certain persons for the purpose of building a Bridge over Acushnet River, in the town of New Bedford."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Former act
amended.

SECT. 1. The third section of the act to which this is in addition, and which was passed at the present session of the legislature on the fifteenth day of May, is hereby amended in the first line thereof so as to read as follows: The proprietors of the said New Bedford Bridge.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 424 An Act in addition to "An Act to incorporate the Mount Washington Avenue Corporation."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for con-
struction ex-
tended.

SECT. 1. The Mount Washington Avenue Corporation is hereby authorized to construct and complete the unfinished

portion of its avenue, now located and partly constructed, and lying between Fore Point Channel and its easterly terminus in South Boston, at any time within three years from the passage of this act.

SECT. 2. The said corporation may transfer to the city of Boston, and the said city, by a vote of the board of aldermen, may accept, upon such terms and conditions as may be agreed upon, such parts of their avenue, street and bridge, as have been, and may from time to time hereafter be, constructed, and before the completion of the whole avenue, and that the parts so transferred may be taken, held and maintained by the city of Boston; with the same rights and privileges, and subject to the same duties pertaining to the portions thereof accepted by the said city as are provided in the act to which this is in addition, in case of a transfer and acceptance of the whole of said avenue.

Corporation may transfer avenue, street and bridge, to city of Boston, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to incorporate the Safety Mutual Fire Insurance Company of Newburyport. *Chap. 425*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Horton, N. G. Bassett, Eben Sumner, A. W. Mooney, Newman Brown, William H. Swasey, Warren Currier, J. B. Morss, William H. Brewster, George Greenleaf, A. Pingry, Nathaniel Foster, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Safety Mutual Fire Insurance Company, of Newburyport; with powers and privileges incident to such corporations, for the term of twenty-eight years.

Corporators.

Name.

Duration.

SECT. 2. When the sum subscribed to be insured shall amount to fifty thousand dollars, said corporation may insure, for the term of one to seven years, any building, goods, furniture, books or effects, to any amount not exceeding three-quarters of the value of the property insured.

May insure when \$50,000 is subscribed.

SECT. 3. Said corporation may choose such officers and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

Choice of officers, etc.

SECT. 4. The funds of said corporation shall be vested in stocks or land, on such security as the directors may order, and shall be appropriated, first to pay the expenses

Funds, how invested and appropriated.

Members liable to assessment.

of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their existing funds, the directors shall, without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years; but not to exceed treble the amount of such premiums and deposits.

Levy of execution, etc.

SECT. 5. Whenever any member shall recover judgment against said corporation, he may levy his execution on their estates or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the directors: *provided*, they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any director whose property may be thus taken may sustain an action of the case against the corporation to recover full and adequate damages therefor.

Policies to create a lien, etc.

SECT. 6. Each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on land under it, for the payment of the premium stipulated in said policy, and of all assessments lawfully made by virtue thereof; and this provision shall not prevent the other collateral security.

Proceedings in certain cases.

SECT. 7. In case it shall become necessary to resort to the lien on property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of non-payment the corporation may sustain an action for any sum due, either on the deposit note or by assessment, and their execution may be levied on the premises insured, and the officer making the levy may sell the whole or any part of the estate, at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on executions, and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Liable to taxation.

SECT. 8. This corporation shall be liable to be taxed by any general law of this Commonwealth taxing other similar institutions; and any member named in this act may call the first meeting, by advertising the same in any newspaper printed in Newburyport. [*Approved by the Governor, May 21, 1855.*]

First meeting, how called.

An Act relating to Divorce.

Chap. 426

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In all cases of divorce from the bonds of matrimony, (except for adultery,) where the same has been granted by the laws of any State or Territory within the United States, or by any court therein having competent jurisdiction, the justices of the supreme judicial court, or either of them, may, upon petition filed by the party against whom the divorce was granted, (if said party resided within this Commonwealth at the time of granting the divorce,) and upon such notice as the court may order, authorize and permit the party to marry again; and such permission shall remove all disabilities now imposed by law upon such party.

S. J. Court may, upon petition, permit divorced party to marry again.

SECT. 2. The three hundred and forty-ninth chapter of the statutes of this Commonwealth, passed May nineteenth, eighteen hundred and fifty-three, is hereby repealed. [Approved by the Governor, May 21, 1855.]

Former act repealed.

An Act relative to the Justices of the Court of Common Pleas.

Chap. 427

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

On and after the first day of July, in the year one thousand eight hundred and fifty-five, the chief justice of the court of common pleas shall receive an annual salary of twenty-seven hundred dollars, and each of the other justices of said court shall receive an annual salary of twenty-five hundred dollars, and the said salaries shall be paid in quarterly payments, out of the treasury of the Commonwealth, and in the same proportion for any part of a quarter. [Approved by the Governor, May 21, 1855.]

Salaries increased.

An Act for the better establishment of the Police Court in the City of Fall River.

Chap. 428

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The standing justice of the police court of the city of Fall River shall, from and after the time when this act shall take effect, receive, in full compensation for all services which by law he is required to perform as said justice,

Salary of standing justice.

an annual salary of eight hundred dollars, to be paid quarterly, from the treasury of the city of Fall River.

Appointment of clerk.

SECT. 2. A clerk shall be appointed for said court, who shall do all the duties which are by law now prescribed to the justice of said court acting as clerk, and shall receive, in full compensation for all his services as clerk, except for certificates and copies of papers and all proceedings of said court, an annual salary of four hundred dollars, to be paid quarterly, from the treasury of the city of Fall River.

Salary.

Fees, how accounted for.

SECT. 3. All fees and charges now by law authorized to be collected and received by the standing justice of said police court, shall hereafter be collected and received by the clerk of said court, and by him accounted for to the city government in Fall River, and paid quarterly into the treasury of said city.

Clerk to be sworn and give bond.

SECT. 4. The clerk shall be sworn to the faithful performance of the duties of his office, and shall give bonds to the city of Fall River, in such sum as the city council shall order, with a surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office.

Clerk not to be counsel.

SECT. 5. The clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever before said court, nor in any which shall have been heard, tried or examined therein.

Governor to appoint a clerk.

SECT. 6. The governor, with the advice of the council, shall appoint a duly qualified person to be clerk of said court, who shall hold his office during the pleasure of the governor and council, and in case of his death or absence, the court shall appoint a clerk *pro tempore*, who shall act until the standing clerk shall resume the duties of his office or another shall be appointed by the governor.

Writs to bear teste, etc.

SECT. 7. All writs and processes issuing from said court, shall bear teste of the standing justice, or if there be no standing justice, then of a special justice of said court, and shall be signed by the clerk; in other respects they and the proceedings thereon shall be substantially the same as in like cases before justices of the peace.

Court, how often to be held.

SECT. 8. A court shall be held by said justice on five several days of each week, at nine o'clock in the forenoon, to take cognizance of crimes, offences and misdemeanors, and one day in each week, at ten o'clock in the forenoon, and at such other times as may be necessary for the entry and trial of civil actions, the hearing of motions, and such other civil business as may come before it, either in

the court house or in any other suitable place in said city which may be provided therefor by the city government, and may be adjourned to any other place in the said city as occasion shall require.

SECT. 9. The police court of the city of Fall River shall continue to have the same jurisdiction which it has exercised hitherto, and the jurisdiction thereof shall not be limited by reason of any interest on the part of the justice of said court which may arise from the payment of fines or costs adjudged or accruing in said court, into the treasury of the city of Fall River or of the county of Bristol.

Jurisdiction not limited.

SECT. 10. This act shall take effect from and after the tenth day of June, in the year one thousand eight hundred and fifty-five, and all parts of the act entitled "An Act to establish a Police Court in the Town of Fall River," passed May twenty-first, in the year one thousand eight hundred and fifty-two, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, May 21, 1855.]

When to take effect.

Inconsistent acts repealed.

An Act to regulate Billiard Rooms and Bowling Alleys.

Chap. 429

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The keeper for the time being, of any billiard room or table, or of any bowling alley, who shall admit any minor to the same, without the written consent of their parent or guardian, or who shall suffer any persons to play at the same after six o'clock in the afternoon of Saturday, or after ten o'clock in the afternoon of any other day, shall forfeit ten dollars for the first offence, and twenty dollars for each offence after the first, to the use of the prosecutor therefor.

Penalty for admitting minors, etc.

SECT. 2. Any marshal or his deputy, sheriff or his deputy, constable, police officer or watchman, may at any time enter into said billiard room, bowling alley, or other room connected therewith, for the purpose of enforcing this or any other act; and any person who shall obstruct or hinder the entrance of any such officer, shall be liable to a penalty of not less than five nor more than twenty dollars.

Officers may enter to enforce law

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

Chap. 430 An Act to extend the Charter of the Mystic River Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for location
and construction
extended.

SECT. 1. The periods of time fixed by the four hundred and fifteenth chapter of the acts of eighteen hundred and fifty-three, and by the thirty-first chapter of the acts of eighteen hundred and fifty-four, for the location and construction of the Mystic River Railroad, are hereby extended two years respectively: *provided*, that so much of the four hundred and fifteenth chapter of the acts of the year one thousand eight hundred and fifty-three, as authorizes said company to locate and construct their railroad, or any part thereof, between Tufts' Mill Pond and Main Street, and also so much of said act, and of the thirty-first chapter of the acts of the year one thousand eight hundred and fifty-four, as refers to the one hundred and fifth chapter of the acts of the year one thousand eight hundred and fifty-two, is hereby repealed.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 431 An Act to secure to Mechanics and others Payment for Labor and Materials by them expended.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lien allowed for
labor and mate-
rials.

SECT. 1. Any person who shall actually perform labor in erecting, altering or repairing any building or structure upon real estate, or shall furnish materials actually used for the same, by virtue of any agreement with, or consent of, the owner thereof, or other person having authority or acting for such owner to procure labor or furnish materials in his behalf, shall have a lien upon such building or structure, and upon the interest of the owner of the building or structure in the lot of land upon which the same is situated, to secure the payment of the amount due him for such labor or materials: *provided, however*, that no lien for materials furnished, shall attach unless the person furnishing the same shall, before so doing, give notice to the owner of the land, if such owner be not the purchaser of the materials, that he intends to claim such lien.

Proviso.

Lien dissolved,
unless statement,
etc., be filed with-
in thirty days.

SECT. 2. Such lien shall be dissolved unless the person who may desire to avail himself thereof shall, within thirty days after he shall cease to labor on, or furnish materials

for, such building or structure, file, in the office of the clerk of the city or town in which the same is situated, a statement of a just and true account of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien sufficiently accurate for identification, with the name of the owner or owners of the property, if known; which certificate shall be subscribed and sworn to by the person claiming the lien, or by some one in his behalf, and shall be recorded in a book kept for that purpose by the clerk of such city or town, who shall be entitled to the same fees therefor as for recording mortgages of equal length.

SECT. 3. No inaccuracy in the statement mentioned in the second section of this act relating to the property to be covered by the lien, if the property can be reasonably recognized, or in stating the amount due for labor, shall invalidate the proceedings, unless it shall appear that the person filing the certificate has wilfully and knowingly claimed more than is his due.

Inaccuracy in statement not to invalidate proceedings, etc.

SECT. 4. The owner of any building or structure upon real estate, in process of erection or of being altered or repaired, may prevent the attaching of any lien for labor thereon not at the time performed, or materials not then furnished, by giving notice in writing to the person performing such labor or furnishing such materials that he will not be responsible therefor.

Owner, by giving notice, may prevent the attachment of any lien.

SECT. 5. Such lien may be enforced by petition to the court of common pleas in the county where the building or structure is situated, or, when the amount of the claim does not exceed one hundred dollars, by petition to any police court or justices' court, or, where there is no police or justices' court, by petition to any justice of the peace having jurisdiction in other civil cases between the same parties; which petition may be inserted in a writ of original summons, and served, returned, and entered as in other civil actions. After the entry of such petition in court, or before the justice having jurisdiction, the proceedings in relation thereto shall be such as are prescribed in chapter one hundred and seventeen of the Revised Statutes, so far as the provisions of that chapter are consistent herewith.

Enforcement of liens.

SECT. 6. The court may, at any time, allow either party to amend his pleadings under this act as in actions at common-law; but none of the provisions of this act shall affect any contract made before the same goes into effect.

Either party may amend plea.

Inconsistent acts repealed.

SECT. 7. All acts and parts of acts inconsistent herewith are hereby repealed, but pending proceedings and liens shall not be affected by this repeal.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 432 An Act in addition to the several Acts concerning Executors, Administrators, Guardians and Trustees.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Judges of probate may allow adjustment of claims by arbitration, etc.

SECT. 1. Judges of probate for their respective counties, may authorize executors, administrators, guardians and trustees, to adjust, by arbitration or compromise, at their discretion, any and all claims and demands, in favor of or against, the estates by them represented, whenever it shall appear to be for the benefit of those who have an interest therein.

Act repealed.

SECT. 2. The act entitled "An Act concerning Executors, Administrators, Guardians and Trustees," approved March ninth, in the year one thousand eight hundred and fifty-five, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 433 An Act in addition to "An Act to authorize the Boston and New York Central Railroad Company to issue Preferred Stock."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May issue 9,000 shares of 7 per ct. preferred stock.

SECT. 1. The Boston and New York Central Railroad Company is hereby authorized, out of the twenty thousand shares of preferred stock, created by a previous act of this legislature, to issue not exceeding nine thousand shares, which shall be called seven per cent. preferred stock, and which shall take precedence of the remaining shares of said preferred stock, which may be issued under said act, and the same shall be entitled to the first dividends of the net earnings of the railroad of said company, to an amount not exceeding seven per cent. per annum, per share, payable semi-annually; and if this act is accepted by the said company, as hereinafter provided, then the stock which may be issued, under the said previous act, shall be entitled to the dividends in said act provided, and in the manner therein pro-

vided, but not, however, till the dividends on said seven per cent. preferred stock shall have been first paid.

SECT. 2. The directors of said company are hereby authorized to issue said seven per cent. preferred stock to any person or persons, upon the payment of one hundred dollars per share therefor, and two-thirds of such payment may be made in the mortgage bonds of said company, at their par value, the remaining third to be paid in money, upon the delivery of the certificates of said stock.

Directors to issue stock.

Payment of shares.

SECT. 3. This act shall not take effect until the same is accepted by the stockholders of said company, at a meeting called for that purpose. [*Approved by the Governor, May 21, 1855.*]

When to take effect.

An Act regulating the passing of Vessels through Railroad Draw Bridges. *Chap. 434*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every railroad company shall provide for every draw bridge of said company, a steady and discreet superintendent, experienced in the management of vessels.

Superintendent of draw bridges.

SECT. 2. Said superintendent shall have full control and direction of the passing of all vessels through such draw. He shall decide upon the proper time; and as to the serving of the tide, for passing the draw; he shall give all necessary advice, and furnish proper facilities, for said passing; he shall allow no unnecessary detention, having due regard and caution for the passing of engines and trains; he shall be ready, day and night, to open the draw; and he shall keep posted up, in a convenient place, for the inspection of all persons interested therein, a printed or written copy of his regulations conforming to the provisions of this act.

Authority and duty of superintendents.

SECT. 3. Every master or commander of a vessel applying to pass such draw shall give the superintendent a true report of his vessel's draught of water; he shall be governed by the superintendent, as to priority of right, when two or more vessels apply to pass at the same time; he shall so place his buoys, warping lines, anchors or cables, as neither to interfere with other vessels nor obstruct the bridge, except as he may be authorized by the superintendent; and vessels shall go to the right in passing up and down according to the tide, if practicable, unless otherwise directed by the superintendent.

Duty of masters of vessels.

SECT. 4. Railroad trains shall be allowed fifteen minutes before and after their time due by time-table to cross the

Time allowed for railroad trains to pass.

Proviso.

draw: *provided, however*, that if the trains should be approaching, the draw shall remain closed a reasonable time for the train to pass over, and provided this act shall not abridge existing rights of railroad companies, and that a reasonable time shall be allowed for the passage of vessels through the draws.

Fine for obstructing superintendent, etc.

SECT. 5. Any person obstructing such superintendent in the performance of his duties as prescribed by this act, or violating the provisions of this act, shall, upon conviction thereof, pay a fine of not less than three, nor exceeding fifty, dollars.

Fine for obstructing draw or damaging bridge, etc.

SECT. 6. Any person who shall break, deface or impair any such bridge, wharf or pier, or shall unnecessarily open or obstruct the draw without the consent of the superintendent, or shall without such consent make fast, or moor, to such bridge any scow, raft, or other vessel, within wake of the draw, shall, upon conviction thereof, pay a fine of not less than three, nor more than twenty, dollars.

SECT. 7. If any person shall wilfully injure or damage any railroad bridge, wharf or pier, or shall wilfully disturb or hinder the superintendent in the discharge of his duties as aforesaid, he shall forfeit and pay for each offence a penalty of not less than fifty, nor greater than one hundred, dollars, to the use of the Commonwealth, to be recovered by indictment or information in any court of competent jurisdiction; and such persons so offending shall be further liable to answer in damages to the corporation upon whom the offence is committed: *provided*, that nothing in this act shall be construed as intending to impair or affect the legal rights of any person whatever.

Proviso.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 435

An Act for supplying the City of Lowell with Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May take and convey water from Merrimack River.

SECT. 1. The city of Lowell is hereby authorized to take, hold and convey, into and through said city from the Merrimack River, at any point thereof within said city that may be deemed expedient, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, domestic and other purposes; and may also take and hold, by purchase or otherwise, any lands or real estate

May take and hold land, etc.

within said city necessary for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs, and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging, or disposing of said water.

SECT. 2. The city of Lowell shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the office of the registry of deeds for the northern district of Middlesex, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by the mayor of said city.

Description of
land taken to be
filed, etc.

SECT. 3. The said city may make, build, lay down and maintain, aqueducts and pipes from said Merrimack River, into, through and about said city; construct and maintain reservoirs; and may make, erect, and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public hydrants, in such places within said city as may, from time to time, be deemed proper; and prescribe the purposes for which the same may be used; and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice, and not objecting thereto; may regulate the use of said water, and establish, receive, and collect the prices or rents to be paid therefor; and the said city may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes, or other works by them to be made, laid down, or conducted over, under, through, or across any water-course, canal, street, bridge, railroad, highway, or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street, or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient, and proper for carrying out the purposes of this act.

May build aqueducts, reservoirs, etc.

May dig up
streets, etc.

SECT. 4. All pipes, aqueducts, and other works constructed, or erected by said city by virtue of this act, in, under, or over any of the canals of "The Proprietors of the Locks and Canals on Merrimack River," shall be so constructed, erected, and laid, as, when completed, not to obstruct the

Pipes, etc., not to
obstruct flow of
water.

navigation in said canals, or either of them, or to interrupt or impede the flow of the water in the same.

Rights, etc., of
this act, to be
exercised by city
council.

SECT. 5. The rights, powers and authorities given to the city of Lowell by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants, as the city council shall, from time to time, ordain, appoint, and direct.

Lowell may issue
notes, scrip, etc.

SECT. 6. For the purpose of defraying the expenses which may be incurred by the city of Lowell in carrying into effect the powers granted by this act, the said city of Lowell shall have authority, from time to time, to borrow such sum or sums of money, and to issue notes, scrip, or certificates of debt, therefor, to such an amount as the city council shall, from time to time, deem expedient, bearing interest not exceeding the legal rate of interest in this Commonwealth; and the principal shall be made payable at periods not more than twenty years from the issuing of said notes, scrip, or certificates of debt, respectively; and the city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as the city council shall judge proper. And the city council of said city is hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money as shall be deemed expedient, towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereof, in the same manner as money is appropriated, granted and assessed for other city purposes.

When payable.

City may assess
sums expedient,
etc.

Damages, how to
be ascertained,
etc.

SECT. 7. All persons and corporations who shall be damaged in their property by the taking of any lands or water, the building of reservoirs, aqueducts, or water-works, or the laying of pipes, or in any other way in carrying into effect the powers hereby granted to the city of Lowell, unless the said city shall, within sixty days after request in writing made to the mayor of said city, pay or tender to the person or corporation so damaged, a reasonable compensation therefor; shall have the same remedies as are provided in the thirty-ninth chapter of the Revised Statutes for persons damaged by railroad corporations.

Penalties, how
recovered.

SECT. 8. If any person wantonly or maliciously shall corrupt the water in, or destroy or injure any aqueduct, reservoir, pipe, conduit, hydrant, machine or other works or property, held, owned or used by the said city of Lowell, by the authority and for the purposes of this act, every such

person or persons shall forfeit and pay to the said city, three times the amount of damages that shall be assessed therefor, to be recovered by any proper action; and every such person or persons may, moreover, on indictment for and conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

SECT. 9. Nothing in this act contained shall be so construed as to give to the city of Lowell the right to authorize the use, by any other persons or corporations, of the water of Merrimack River, taken under the provisions of this act for mechanical or manufacturing purposes, otherwise than for creating steam.

City authority limited in use of water.

SECT. 10. The mayor and aldermen of the city of Lowell shall notify and warn the legal voters of the said city to meet in their respective wards on such days as the said mayor and aldermen shall direct, not exceeding sixty days after the passage of this act, for the purpose of giving their written votes upon the question whether they will accept the same. And if a majority of the votes so given upon the question aforesaid, shall be in the negative, this act shall be null and void.

Act void, unless accepted by inhabitants.

SECT. 11. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

An Act concerning School Books.

Chap. 436

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city and town is hereby authorized to furnish the school books and stationery used in all the public schools, under the supervision of the school committee, at the expense of said city or town; and the school committee shall make such regulations as they may deem suitable and expedient respecting the supply, use, care and preservation of said books.

School books and stationery furnished in public schools.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

Chap. 437 An Act to incorporate Towns and Cities into Mutual Fire Insurance Companies, at their election.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Towns and cities
authorized to in-
sure against loss
by fire.

SECT. 1. Any town or city in this Commonwealth that shall, at a meeting of the inhabitants legally called for that purpose, vote to avail itself of the provisions of this act, shall thereby become an incorporated mutual fire insurance company, under the name by which it was incorporated as a town or city, with power and authority to insure property within the limits of such town or city against loss or damage by fire.

Choice of officers,
by-laws, etc.

SECT. 2. The inhabitants of any town, and the common council, in concurrence with the mayor and aldermen of any city that shall have become incorporated as provided in the first section of this act, shall have power and authority to make all such by-laws, and to choose all officers for the management of the affairs of such insurance company, as they in their judgment shall think necessary. And every company thus incorporated shall be invested with, and entitled to, all the powers and privileges, and shall be subject to all the duties, liabilities and restrictions, set forth in the four hundred and fifty-third chapter of the acts of eighteen hundred and fifty-four,—excepting sections twenty-third and twenty-fourth,—so far as said chapter relates to mutual fire insurance companies, unless otherwise provided in this or some future act.

Powers, privi-
leges, etc.

Liability of towns
for losses by fire.

SECT. 3. Every town or city that shall become an insurance company, as provided in the first section of this act, shall be held liable, in their corporate capacity as a town or city, for all the excess of losses by fire in any one year—on property insured in such company—over and above the available resources of the company for that year, to an amount not exceeding such resources, and also not exceeding one-half of one per cent. on the whole amount of the last previous annual valuation of taxable property in such town or city.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act in relation to the Action of Dower.

Chap. 438

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In all actions of dower hereafter commenced, a demand in writing, signed by the dowager or by her agent or attorney, containing a general description of the premises in which the dower is claimed, and given to the tenant of the freehold, or left at his last and usual place of abode, shall be deemed and taken to be a sufficient demand of dower.

Demand in writing in actions of dower.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

An Act to secure a Decennial Census.

Chap. 439

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A census of the inhabitants of each city and town of the Commonwealth of Massachusetts shall be taken between the first day of June and the first day of October, as to existing facts on the first day of June, in the year one thousand eight hundred and fifty-five, and also in the year one thousand eight hundred and sixty-five, and in each tenth year thereafter.

Decennial census of inhabitants.

SECT. 2. This enumeration shall distinguish the males and the females, and the color of each; the natives and the foreigners, and of the latter the country in which they were born; and it shall determine the ages of the population within decennial periods.

Census to denote age, color, etc.

SECT. 3. This enumeration shall be made by and under the authority of the mayor and aldermen of the respective cities, and the selectmen of the respective towns, and shall be made by sworn agents, as containing all the facts above specified, in respect to the several cities and towns, and shall be returned into the office of the secretary of the Commonwealth, on or before the first day of October, in the year eighteen hundred and fifty-five, and in each tenth year thereafter. And the secretary of the Commonwealth shall transmit to the mayor and aldermen and the selectmen aforesaid, printed blanks to secure uniformity in the returns. [Approved by the Governor, May 21, 1855.]

Enumeration to be made by sworn agents.

Secretary of state to transmit proper blanks.

Chap. 440 An Act in addition to an Act entitled "An Act establishing the Salaries of certain Public Officers."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salaries estab-
lished.

SECT. 1. The second section of chapter one hundred and thirty-one of the acts of the year one thousand eight hundred and fifty-four, is so far amended that the annual salaries to be paid to the assistant clerks therein named shall not exceed eleven hundred dollars.

When to take ef-
fect.

SECT. 2. The salaries, aforesaid, shall be computed and paid from and after the first day of April, last. [*Approved by the Governor, May 21, 1855.*]

Chap. 441 An Act to authorize the Boston and Lowell Railroad Company to alter the construction of a Bridge and the location thereof.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location altered.

SECT. 1. The Boston and Lowell Railroad Corporation are hereby authorized to construct the bridge which is authorized by the first section of the three hundred and eighty-seventh chapter of the acts of the year one thousand eight hundred and fifty-three, between the channel of Charles River and the Boston shore, in a manner not parallel with the bridge of the Eastern Railroad Company, and to make such alterations and curves in said bridge, between said points, as may be convenient for the purpose of constructing the branch railroad authorized by the provisions of the act aforesaid.

Location of
branch railroad.

SECT. 2. The said Boston and Lowell Railroad Corporation are also authorized to locate their said branch railroad, authorized by the act aforesaid in the second section thereof, at any time within six months from the date of the passage of this act, and thereby to waive any other location of said branch railroad which they may have heretofore filed: *provided*, that if said Boston and Lowell Railroad Corporation shall file a new location of their said branch railroad as is provided in this section, it shall not be filed as to any point south of Causeway Street, in Boston, and said filing of said new location shall be deemed and taken to be a waiver of their right to have their branch railroad pass to any point southerly of said Causeway Street: *provided*, the said Boston and Lowell Railroad Company shall be subject to the

Proviso.

Subject to gen-
eral laws.

general statutes which relate to railroad corporations, which have been, or may be hereafter, passed relating to such corporations.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Inconsistent acts repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to establish a State Reform School for Girls.

Chap. 442

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be established, on land conveyed to the Commonwealth for the purpose, a school for the instruction, employment and reformation, of exposed, helpless, evil disposed and vicious girls, to be called the State Reform School for Girls; and the government of said school shall be vested in a board of seven trustees, to be appointed and commissioned by the governor, by and with the advice and consent of the council. Reform school for girls established.

SECT. 2. It shall be the duty of said board of trustees to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the legislature, and of such by-laws as the board may, from time to time, adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge or remand them, as is hereinafter provided; to appoint a superintendent and chaplain, and such matrons, assistants, teachers and other officers as, in their judgment, the wants of the institution may require; to prescribe the duties of the superintendent and other officers; to exercise a vigilant supervision over the institution, its officers and inmates; to remove such officers at pleasure, and appoint others in their stead; and to determine the salaries to be paid to the officers respectively, subject, in all cases, to the approval of the governor and council. Governor to appoint trustees.

The trustees shall also prepare and submit to the inspection of the governor and council, a code of by-laws, which shall not be valid until sanctioned by them. The by-laws may subsequently be enlarged or amended by the consent of five members of the board of trustees, at any legal meeting of said board, and not otherwise; but no alteration shall be Duties of trustees.

valid until it shall have been approved by the governor and council.

Governor to make proclamation, when ready for occupancy.

SECT. 3. As soon as the governor shall have been notified by the commissioners appointed under certain resolves "for the purchase of a site and the erection of buildings thereon for a State Reform School for Girls," that said buildings are prepared for occupancy, he shall forthwith issue his proclamation, giving public notice of the fact.

Judge of probate may commit upon complaint, etc.

SECT. 4. After proclamation shall have been made, as provided in the third section of this act, whenever any girl, above the age of seven and under the age of sixteen years, shall be brought by any constable, police officer, or other inhabitant of any city or town in this Commonwealth, before any judge of probate or commissioner authorized and empowered to act in the case by the eighth section of this act, upon the allegation or complaint that the said girl has committed any offence known to the laws of this Commonwealth, punishable by fine or imprisonment, other than such as may be punished by imprisonment for life, or that she is leading an idle, vagrant or vicious life, or has been found in any street, highway or public place within this Commonwealth in circumstances of want and suffering, or of neglect, exposure or abandonment, or of beggary, it shall be the duty of the judge or commissioner aforesaid, before whom the said girl is brought, to issue a summons or order in writing, addressed to the father of said girl, if he be living and resident within the town or city where the said girl was found, and if not, then to her mother, if she be living and so resident; and if there be no father or mother of said girl resident within said town or city, then addressed to the lawful guardian of said girl, if any there be resident within said town or city, or if not, to the person with whom, according to the examination of the girl, and the testimony, if any, received by the judge or commissioner aforesaid, the said girl shall reside; and if there be no person with whom she statedly resides, the judge or commissioner may, at his discretion, appoint some suitable person to act in her behalf, requiring him or her, as the case may be, to appear before him at such time and place as he shall in said summons or order appoint, and to show cause, if any there be, why the said girl shall not be committed to the Reform School for Girls, established by this act. And upon the appearance before him of the party named in said summons or order, or, if after due service had of the summons or order aforesaid, there shall be no such appearance, the judge or commis-

Judge to issue summons to parents, etc.

sioner aforesaid, before whom the said girl shall have been brought, shall, upon the expiration of the time named in said summons or order for said appearance, proceed to examine the said girl, and the party appearing in answer to said summons or order, if any such there be, and to take such testimony, in relation to the case, as may be produced before him. And in case it shall be proved to the satisfaction of the judge or commissioner aforesaid, by such examination, or by competent testimony, that the said girl is a suitable subject for the Reform School for Girls established by this act, and that her moral welfare and the good of society require that she should be sent to the said school for instruction, employment and reformation, he shall commit the said girl to the same. And such commitment shall be by warrant, in substance as follows:—

To A B, one of the constables or police officers, as the case may be, of the town or city of . You are hereby commanded to take charge of C D, a girl under the age of sixteen and above the age of seven years, who has been proved to me, by competent evidence, to be a suitable subject for the State Reform School for Girls within this Commonwealth, and a proper object for its care, discipline and instruction, and to deliver the said girl, without delay, to the superintendent of the said school, or other person in charge thereof, at the place where the same is established. And for so doing this shall be your sufficient warrant.

Dated this day of , 18 , at , in the county of , in the Commonwealth of Massachusetts.

But no variance from the preceding form shall be deemed material, provided it sufficiently appear, upon the face of the warrant, that the said girl is committed, by the judge or commissioner aforesaid, in the exercise of the powers given to him by this act. And, accompanying said warrant, the committing judge or commissioner aforesaid shall transmit to the superintendent of said school, by the hands of the officer serving the same, a copy of the substance of the complaint which was made against said girl, and of the testimony given in the case.

SECT. 5. Any warrant so made by any judge or commissioner, as aforesaid, shall be executed by any constable or policeman of the town or city where the case was heard, to whom it shall be delivered by said judge or commissioner, by conveying the girl therein named to the said school as in said warrant is directed; and the said girl shall be detained in the said school until she shall arrive at the age of eigh-

Constable, etc.,
to serve warrant
and summons.

teen years, unless discharged or removed therefrom in the manner hereinafter provided. And any summons or order to appear before any judge or commissioner, as aforesaid, shall be served by the constable or police officer to whom it shall be delivered, by delivering the same to the party to whom it shall be addressed personally, or by leaving it with some person of sufficient age, at the place of residence or business of such party. And it shall be the duty of said constable or police officer immediately to report the fact, and the time and manner of such service, to the judge or commissioner aforesaid.

Second commit-
ment.

SECT. 6. If any girl shall be brought a second time, or more than once, before any judge or commissioner authorized and empowered to act in the case, upon the allegations or complaints set forth in the fourth section of this act, the judge or commissioner, before whom such girl is brought, may proceed to examine the case, and upon proof of said allegations or complaints, may issue his warrant for committing said girl to the school aforesaid without having issued the summons, or order in writing, required to be given in said fourth section.

Appeal allowed.

SECT. 7. Any girl who shall be ordered to be committed to said school under the provisions of this act may appeal from such order, in the same manner and upon the same terms, as is now provided in respect to appeals in criminal cases. And the appeal shall be entered, tried, and finally determined in the court to which the same shall have been made, in like manner as if it had been originally commenced there.

Girls brought up
for trial, etc., may
be committed.

SECT. 8. Whenever any girl, between the ages of seven and sixteen years, shall be brought before any justice of the peace, justice of a police court, or court of criminal jurisdiction, for trial, charged with any offence punishable by law, at the discretion of the court, by fine or imprisonment, and the said justice or court shall be of opinion that such girl, if found guilty, would be a fit and proper subject for commitment to said Reform School, an order to that effect shall be entered of record in the proceedings of said justice or court; and thereupon it shall be the duty of such justice or court, by a warrant in due form of law, to cause such girl to be brought forthwith before some judge or magistrate competent to examine and commit girls to said school, and to transmit to said judge or magistrate the complaint, or indictment and warrant, by virtue of which she shall have been arrested.

And the judge or magistrate aforesaid shall thereupon have the same jurisdiction, and the same proceedings, judgment or order, shall be had and made in the premises, as if said girl had been brought before him upon an original complaint or application, as provided in this act.

SECT. 9. The several judges of probate within this Commonwealth are hereby authorized and directed to examine, hear and determine, in the manner and form hereinbefore set forth, any application that may be made to them, within their several counties, for the commitment of any girl, between the ages of seven and sixteen years, to the school of reformation, established by this act. And upon request made to his excellency the governor, by any board of selectmen, overseers of the poor, or mayor and aldermen of any town or city in this Commonwealth, it shall be his duty, by and with the advice and consent of the council, to appoint and commission, in the same manner as justices of the peace are now appointed and commissioned, one or more discreet and suitable persons, as he may deem to be best, among the citizens of said town or city, to examine, hear and determine, any application which may be made to him or them, within the town or city which he or they inhabit, for the commitment to said school of any girl between the ages aforesaid. And the several commissioners, so appointed, when duly qualified, are hereby fully empowered and required to examine, hear and determine, all applications which may be made to them as aforesaid, until their death, removal, or resignation, or the term of time named in the commissions respectively held by them shall have fully expired.

Judges of probate to hear and determine applications

Commissioners to be appointed.

SECT. 10. All judges of probate and commissioners, appointed under this act, shall receive such fees* and compensation for their services, in hearing and determining the cases brought before them, as by law are allowed to justices of the peace; and all officers serving process under this act, shall be entitled to the same fees as by law they are entitled to for serving process under criminal proceedings.

Fees.

SECT. 11. Any girl duly committed to said school shall there be kept, disciplined, instructed, employed and governed, under the direction of said board of trustees, until she be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall have arrived at the age of eighteen years.

Girls to remain until 18 years of age, unless, etc.

Trustees may discharge, etc.

SECT. 12. The trustees of said school shall have power, and it shall be their duty, to discharge and return to her parents, guardian or protector, any girl whom they deem to be an improper subject for their care and management, or who shall be found to be incorrigible, or whose continuance in the school they deem to be prejudicial to the management and discipline thereof, or who, in their judgment, ought, for any cause, to be removed from said school. And in every such case it shall be the duty of said trustees, to make an entry upon their records of the name of the girl discharged, of the party to whom she was returned, and of the date when she left the school, together with a statement of the reasons for said discharge—a copy of which record, signed by their secretary, they shall, without unnecessary delay, transmit to the judge or magistrate by whom the said girl was committed to said school.

Commitments to be until 18 years of age.

SECT. 13. All commitments to this institution, of girls, of whatever age, when committed, shall be until they shall have arrived at the age of eighteen years, unless sooner discharged or bound out by order of the trustees, as herein is provided, or in due course of law.

Trustees may bind out as apprentices.

SECT. 14. The trustees of said school shall have power to bind out all girls committed to their charge, for any term of time, until they shall have arrived at the age of eighteen years, as apprentices or servants, to any inhabitants of this Commonwealth. And the said trustees, and master or mistress, apprentice or servant, shall respectively have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

Indentures not to be transferred.

SECT. 15. No person receiving an apprentice under the provisions of this act shall be at liberty to assign or transfer the indenture of apprenticeship, or to let out or hire, for any period, the services of such apprentice, without the consent, in writing, of the trustees of said school. And in case the master of such apprentice shall be dissatisfied with her conduct or behavior, or, for any other cause, may desire to be relieved from said contract, upon application, the said trustees may, in their discretion, cancel the said indenture of apprenticeship, and resume the charge and management of the girl so apprenticed, and shall have the same power and authority in regard to her as before said indenture was made.

How cancelled.

SECT. 16. If any master shall be guilty of any cruelty, In case of cruelty, etc., indenture may be discharged.
 misuse, refusal or neglect to furnish necessary provisions or clothing, or any other violation of the terms of the indenture or contract, toward any girl so bound to service, such girl may make complaint to the board of trustees of said school, or to any judge or commissioner having power under this act to commit girls to said school, who shall thereupon summon the parties before him, and examine into, hear and determine, said complaint; and if, upon said examination, the said complaint shall appear to be well founded, he shall, by certificate under his hand, discharge such girl from all obligations of future service, and restore her to said school, to be managed and taken care of in the same manner and with like powers as before her indenture.

SECT. 17. Upon the death of any master to whom any girl may have been bound to service, under the provisions of this act, the executors or administrators of such master may, with the consent of the child so bound to service, signified in a writing acknowledged and approved by the trustees of said school, assign the indenture or contract of such service to some other person; which assignment shall transfer to, and vest in, such assignee, all the rights of the original master, and also make him subject to all his obligations. Assignment of indenture in case of death of master.

SECT. 18. The trustees of said school shall be the guardians of every girl bound or held for service by virtue and in pursuance of the provisions of this act. They shall take care that the terms of the contract be faithfully fulfilled, and that such girl be properly treated; and it is hereby made their special duty to inquire into the treatment of every such girl, and redress any grievance, in manner prescribed by law. Trustees to act as guardians, etc.

And it shall be the duty of the master or his assignee, to whom any such girl shall be bound to service, and he shall, by the terms of the indenture, be required, as often as once in every six months, to report, to the trustees of said school, the conduct and behavior of the said apprentice so bound to service, and whether she is still living under the care of the said master or assignee; and if not, where else she may be. Master to report every six months.

SECT. 19. The said trustees shall cause the girls under their charge to be instructed in piety and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity; they shall also be instructed in some regular course of labor, either mechanical, manufacturing, or horticultural, or a combination of these, and especially in such domestic and household labor and duties as shall be Instruction of inmates.

best suited to their age and strength, disposition and capacity; also in such other arts, trades and employments as may seem to the trustees best adapted to secure their reformation, amendment, and future benefit. And in binding out the inmates, the trustees shall have scrupulous regard to the religious and moral character of those to whom it is proposed to bind them, to the end that they may secure to the girls the benefits of a good example and wholesome instruction, and the best means of improvement in virtue and knowledge, and thus the opportunity of becoming intelligent, moral, useful and happy women.

Duties of superintendent and other officers.

SECT. 20. The superintendent, with such subordinate officers as the trustees shall appoint, shall have the general charge and custody of the girls. He shall himself be a constant resident at the school, and under the direction of the trustees, shall discipline, govern, instruct and employ, and use his best endeavors to reform the inmates, in such manner as shall, while preserving their health and promoting the proper development of their physical system, secure the formation, as far as possible, of moral, religious and industrious habits, and regular, thorough progress and improvement in their studies, trades and various employments.

Bond, etc., of superintendent.

SECT. 21. The superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining to the school within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of two thousand dollars, conditioned that he shall faithfully account for all moneys received by him as superintendent, and faithfully perform all the duties incumbent on him as such. He shall keep, in suitable books, regular and complete accounts of all his receipts and expenditures, and of all property intrusted to him, showing the income and expenses of the institution. And he shall account to the treasurer, in such manner as the trustees may require, for all moneys received by him from the proceeds of the farm or otherwise. His books, and all accounts and documents relating to the school, shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination. He shall keep a register, containing the name and age of each girl, and, as far as practicable, the circumstances con-

nected with her history to the time of her admission to the school; and he shall add thereto such facts as may come to his knowledge, relating to the history of said girl whilst at the institution, and after she shall have left it.

SECT. 22. All contracts on account of the institution shall be made by the superintendent, in writing, and when approved by the trustees, if their by-laws require it, shall be binding in law; and the superintendent, or his successor, may sue or be sued thereon to final judgment and execution. And no such suit shall abate by reason of the office of superintendent becoming vacant pending such suit, but any successor of the superintendent may take upon himself the prosecution or defence thereof; and upon motion of the adverse party and notice, he shall be required to do so.

Superintendent to make all contracts in writing, etc.

SECT. 23. There shall be a treasurer, to be appointed by the governor and council, who shall, before he enters upon the discharge of the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of three thousand dollars, conditioned that he shall faithfully account for all moneys received by him as treasurer; which bond, and also that of the superintendent, when approved, shall be filed in the office of the treasurer and receiver-general.

Treasurer appointed.

Bond.

SECT. 24. The board of trustees shall be appointed as soon as conveniently may be after a lot of land shall have been obtained and conveyed to the Commonwealth, for the school established under this act; and the trustees shall immediately take charge of said land, except so much thereof as shall be needed for the purposes of the commissioners for the erection of the buildings. When the governor shall have made proclamation that the buildings are ready for occupancy, the school and the buildings shall be at once in the charge of the trustees. When two years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed and commissioned annually by the governor, by and with the advice of the governor and council; and for this purpose the places of the two senior members, as they stand arranged in their several commissions, shall be thereafter annually vacated. No trustee shall receive any compensation for his services, but he shall be allowed the amount of expenses incurred by him in the discharge of the duties of his office.

Appointment of trustees.

Term of office.

Compensation.

SECT. 25. One or more of the trustees shall visit the school at least once in every two weeks; at which time the

Trustees to visit and examine the school.

girls shall be examined in the school-rooms and workshops, and the register shall be inspected. A record shall be regularly kept of these visits, in the books of the superintendent. Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report made, showing the results of these examinations.

Report to legisla-
ture.

Annually, in the month of December, an abstract of these quarterly reports shall be prepared, which, together with a full report by the superintendent, shall be laid before the governor and council, for the information of the legislature. The treasurer shall also submit, at the same time, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of the month of November next preceding. [*Approved by the Governor, May 21, 1855.*]

Chap. 443

An Act to establish the Municipal Court in the City of Lowell.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Court established
with two justices.

SECT. 1. There shall be, and hereby is, established in the city of Lowell, a court, to be called the municipal court of the city of Lowell; and there shall be appointed, commissioned and qualified, in the manner prescribed by the constitution, two suitable persons, learned in the law, to be justices of said court, one of whom shall be appointed and commissioned as chief justice, and the other as associate justice, of said court.

Appointment of
clerk.

To be sworn and
give bond.

SECT. 2. There shall be a clerk of said municipal court, who shall be appointed by justices thereof, and shall be sworn by one of the justices of said court, and give bond to the city of Lowell, to be approved by the city council of said city, in the sum of five thousand dollars, for the faithful discharge of his duties. And said clerk shall hold his office during the pleasure of said justices, shall attend all sessions of said court, whether for the transaction of civil or criminal business, keep a true record of all the doings of the court; and said justices may also, with the consent of the city council of the city of Lowell, appoint one or more assistant clerks of said court, who shall be qualified and give bonds in the same manner, and shall have and exercise the same powers as the clerk of said court, and who shall also hold their offices during the pleasure of the justices of said court.

SECT. 3. Said municipal court shall have and exercise Jurisdiction. original and exclusive jurisdiction of all crimes and offences committed within the city of Lowell whereof the police court of Lowell now has jurisdiction, and concurrent jurisdiction with justices of the peace, of all crimes and offences committed in the county of Middlesex.

SECT. 4. Said municipal court shall also have and exer- Same subject. cise original and exclusive jurisdiction of all civil actions whereof the police court of Lowell now has original and exclusive jurisdiction, and jurisdiction concurrent with the court of common pleas and justices of the peace in the county of Middlesex, of all civil actions brought in said county: *provided, however,* that if any citizen of this Commonwealth, Proviso. not living within ten miles of the city of Lowell, shall be the defendant in any civil action, returnable into said municipal court, wherein the damages claimed exceed the sum of one hundred dollars, he may, at the time when by law he is holden to appear, file a motion, that such action may be removed to the court of common pleas, and also file an affidavit that he verily believes he has a substantial defence to such action on its merits, and that such motion is not made for the purpose of delay; and thereupon the court shall order that said action be removed to the court of common pleas. And whenever such order shall be made, it shall be the duty of the plaintiff in such action to enter the same at the term of the court of common pleas holden within and for the county of Middlesex next after such order of removal shall be made; and the said court of common pleas shall have power to try and determine such action in like manner as if the same had been originally commenced therein.

SECT. 5. There shall be a session of said municipal court Court, how often to be held. holden by the chief justice thereof, or, in his absence, sickness or inability, by the associate justice, on every day, Sundays excepted, at nine o'clock in the forenoon, for the trial and examination of criminal cases, and on every Monday, at ten o'clock in the forenoon, and by adjournment as much oftener as may be necessary, for the entry and trial of civil actions, hearing of motions, and such other civil business as may come before it. There shall also be a session of said court, holden by one of the justices thereof, on the first Monday of every month, for the trial of civil and criminal cases before juries, as hereinafter provided; and said court, when sitting for the trial of cases before juries, shall have and exercise the same powers that are or may be

exercised by the court of common pleas, or any justice thereof.

Court, where to be held.

SECT. 6. All sessions of said municipal court shall be holden in the city of Lowell, and the city of Lowell shall provide suitable accommodations therefor.

Sheriff or deputies to attend.

SECT. 7. The sheriff of the county of Middlesex, or one or more of his deputies, shall attend all sessions of said municipal court for jury trials, and shall receive the same compensation therefor which they now receive for attendance upon the court of common pleas, to be paid by the county of Middlesex.

Jurors.

SECT. 8. The jurors of said municipal court shall be drawn, summoned and returned from the different towns of the county of Middlesex in the manner provided in the ninety-fifth chapter of the Revised Statutes; and writs of *venire facias* shall be issued for that purpose by the clerk of said court, returnable at the monthly sessions of said court held in January, April, July and October, in each year; and each of the jurors so returned at each of these four sessions, respectively, shall also serve at the two next succeeding monthly sessions; and said jurors shall receive the same compensation now allowed to jurors for attending the court of common pleas, to be paid by the county of Middlesex.

Compensation.

Duration of terms

SECT. 9. Each of the monthly sessions of said municipal court may be continued and held until, and including, the Saturday next preceding the Monday on which the next succeeding monthly session shall commence. And if any case should be on trial at the end of any session, such trial may be continued and finished during the next succeeding term, and the jurors sitting in such case may be required by the presiding justice to serve until the same is finished.

Clerk's office opened daily.

SECT. 10. The office of the clerk of said municipal court shall be open on every day, Sundays excepted, during reasonable hours, to be fixed by the justices of said court.

Warrants returnable, etc.

SECT. 11. All criminal prosecutions before said court, shall be commenced by complaint, made before a justice of said court or some justice of the peace in said county; and all warrants returnable before said court, shall be issued by a justice of said court, or some justice of the peace; and all warrants issued by said justices as aforesaid, or by any justice of the peace in the city of Lowell, in criminal cases, and also by any justice of the peace in the county of Middlesex, for offences committed in the city of Lowell, shall be made returnable and be returned into said municipal court;

and no fees shall be allowed to any justice of the peace for any warrant returnable before said court.

SECT. 12. There shall be no appeal from any judgment of said municipal court in any civil or criminal case brought before said court, except as hereinafter provided. Appeal.

SECT. 13. Any person brought before said municipal court, charged with a crime or offence whereof said court may take final jurisdiction, may at any time before being put upon his trial, demand a trial by jury; and the clerk shall thereupon make a record of that fact; and the court shall order such person to recognize, with sufficient surety or sureties, for his appearance at the next monthly session of said municipal court, and afterwards, from day to day, and term to term, until his case shall be tried and determined. And if such person shall make no demand as aforesaid, his case shall be tried and determined by one of the said justices. Persons charged with crime may demand trial by jury.

SECT. 14. In all civil actions brought in said municipal court, either party may, on the return day therefor, file a motion for a trial by jury; and thereupon said action shall be continued to the next monthly term of said court, when the same shall be in order for trial before the jury: *provided, however*, that no case shall be so continued or tried by the jury on the motion of the defendant, unless the defendant, or some person in his behalf, shall, on or before the filing of such motion, also file an affidavit that he verily believes that he has a good and substantial defence to such action on its merits, and that such motion is not made for the purpose of delay: and *provided, also*, that whenever there shall have been no personal service of the writ in said action on the defendant, said motion and affidavit may be filed on the day of the defendant's appearance. In civil actions, either party may file motion for trial by jury. Proviso. Provided, also.

SECT. 15. It shall be the duty of the city solicitor of said Lowell to attend the monthly sessions of said municipal court, and try all causes pending therein, wherein the Commonwealth is a party, and shall be paid therefor by said city. City solicitor to attend monthly sessions of court.

SECT. 16. Any civil or criminal cause, pending in said municipal court, may be removed to the supreme judicial court, upon affidavit, or by exceptions to any ruling or decision of the presiding justice upon any question of law, or by appeal from the decision of said court upon any agreed statement of facts, in the same manner as actions may now be removed from the court of common pleas in said county; and the proceedings thereon shall be the same as is now Causes may be removed to S. J. court.

provided by law in cases removed from the court of common pleas, except that, whenever a new trial shall be ordered by the supreme judicial court in any case so removed upon exceptions, such new trial shall be had in said municipal court.

Two sessions of court may be held at same time.

SECT. 17. Two sessions of said municipal court may be holden by the justices thereof at different places at the same time, whenever in the opinion of the chief justice it shall be necessary for the proper despatch of business.

Clerk to adjourn court in absence of justices.

SECT. 18. In case of the absence of both of said justices, during any term of said municipal court, said court may be adjourned by the clerk, from day to day, until one of said justices shall be present.

Justices not to act as counsel.

SECT. 19. Neither of the justices of said municipal court shall, at any time, act as counsel in any cause pending in or removed from said court.

Writs, etc., to bear teste of chief justice.

SECT. 20. The justices of said municipal court shall establish a seal for said court; and all writs and processes, issuing from the said court, shall be under the seal of the court, bear teste of the chief justice, and be signed by the clerk thereof, and may run into any county, and shall be obeyed and executed throughout the Commonwealth.

Service of writs, etc.

SECT. 21. All writs, executions and processes, in civil actions, issuing from or returnable into said municipal court, shall be served and executed in the same manner as is now or may hereafter be provided by law for the service and execution of like writs, executions and processes, issuing or returnable to the court of common pleas, except as herein otherwise provided.

Levy of executions, etc.

SECT. 22. Whenever the damages demanded in any writ, issued from or returnable into said municipal court, shall exceed the sum of twenty dollars, real estate as well as personal property may be attached thereon; and any execution issued from said court upon any judgment for a sum exceeding twenty dollars, may be levied upon the real estate as well as the personal property of the judgment debtor, in the same manner and to the same effect, as executions issued from the court of common pleas.

Return of writs and executions.

SECT. 23. Original writs, issuing from or returnable into said municipal court, shall be served not more than sixty nor less than seven days, before the day on which they are returnable. All executions issuing from said court shall be made returnable within sixty days from the date thereof.

Court to issue all writs, etc.

SECT. 24. Said municipal court shall issue all writs, executions and processes that may be necessary or proper to

carry into effect the powers granted to said court. And when no form for any such writ or process is prescribed by statute, the court shall frame one in conformity to the principles of law and the usual course of proceedings in the courts of this Commonwealth.

SECT. 25. Said justices shall have power to make and establish all rules for practice in said municipal court which they shall deem expedient, provided the same be not repugnant to the laws of this Commonwealth. Justices to establish rules of practice.

SECT. 26. The clerk of said municipal court shall receive, in all civil and criminal cases brought before said court, and for all writs, processes and copies, the same fees that are now allowed by law to justices of the peace in like cases. Clerk's fees.

SECT. 27. The prevailing party in any civil action, in said municipal court, shall be entitled to receive the same costs as are now allowed by law in cases brought before justices of the peace, to be taxed by the clerk of said municipal court. Costs.

SECT. 28. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of, the clerk of said municipal court, shall be by him accounted for and paid over to the same persons, in the same manner and under the same penalties, as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed and certified by the clerk of said municipal court, and allowed and paid in like manner as is provided by law in cases of justices of the peace. Fines, forfeitures, etc., how accounted for.

SECT. 29. The justices of said court shall receive annual salaries, which shall be fixed by the city council of said Lowell, and paid to them in equal quarterly payments out of the treasury of said city of Lowell, and shall be in full for all their services. Salary of justices.

SECT. 30. The clerk of said municipal court shall receive an annual salary, which shall be fixed by the city council of said Lowell, to be paid to him in equal quarterly payments out of the treasury of said city, and shall be in full compensation for all acts and services done and rendered by him in his official capacity. And the assistant clerks of said court, when appointed, shall receive such compensation as the city council of said city shall determine. Salary of clerk and assistants.

SECT. 31. The clerk of said court shall, twice in every year, to wit, on the first day of June and on the first day of December, account for and pay over to the treasurer of said Clerk to account to city treasurer for fees, etc.

city, all fees, of every description, received by him in the course of his official duties.

Power of court.

SECT. 32. Said court shall have all the powers which now are, or hereafter may be, conferred by law upon justices of the peace in said county or the police court of Lowell.

Court may order new trials, etc.

SECT. 33. Said court may, at any time before judgment in any civil action, set aside the verdict and order a new trial, for any cause for which by law a new trial may or ought to be granted. And said court may also, concurrently with the supreme judicial court, grant reviews of judgments rendered in said municipal court in all cases in which a review might be granted by the court of common pleas if the judgment had been rendered in that court. And the proceedings on the petition for such review and upon the trial thereof, if granted, shall be conducted in the same manner as is prescribed in the like case, in the court of common pleas.

Jurisdiction not limited.

SECT. 34. The jurisdiction of said municipal court shall not be limited or affected by reason of any interest on the part of the justices thereof, or either of them, in consequence of the city of Lowell being a party to, or in any way interested in, any action, prosecution or proceeding brought or pending therein.

Clerk, pro tem.

SECT. 35. In case of the sickness, absence or inability of the clerk of said municipal court, either of the justices may appoint a clerk *pro tempore*, who shall be sworn in the same manner as the clerk of said court, and shall, for the time being, have and exercise all the powers of said clerk, and shall receive such reasonable compensation for his services as the court shall allow, to be paid by said clerk out of his salary.

Witness fees.

SECT. 36. All witnesses required to attend said court, or before the clerk thereof, as provided in the tenth section, shall be entitled to receive the same fees, to be paid in the same manner, now provided by law for witnesses attending before justices of the peace.

Lowell to pay expenses.

SECT. 37. All the charges and expenses attending the sessions of said municipal court and the transaction of its business, not herein otherwise provided for, shall be paid by the city of Lowell.

Police court abolished.

SECT. 38. The police court of Lowell shall be, and the same hereby is, abolished; and all acts or parts of acts inconsistent herewith are hereby repealed. But this act shall not affect any case, prosecution or proceeding pending in or

returnable before the said police court that shall be commenced before this act shall take effect; but said police court shall have the same jurisdiction, power and authority, in respect to the same, as it would have had if this act had not passed.

SECT. 39. It shall be the duty of the standing justice of the Lowell police court to return and deliver to the clerk of said municipal court, within a reasonable time after this act shall go into effect, all the original records of said police court, both in civil and criminal cases; and the same shall thereupon be and remain in the keeping and custody of the clerk of said municipal court; and copies thereof, duly certified by said clerk, shall in all cases be entitled to and receive the same credit and effect as if certified by the justice or clerk of said police court.

Police records to be delivered to clerk of municipal court.

SECT. 40. This act shall not take effect unless the same be accepted by the legal voters of said city of Lowell, at meetings to be held in the various wards of said city, to be called by the mayor and aldermen, and held within three months after the passage of this act. If so accepted, it shall take effect in one month after such acceptance. [*Approved by the Governor, May 21, 1855.*]

Act void, unless accepted, etc.

An Act to abolish Imprisonment for Debt and to punish Fraudulent Debtors. *Chap. 444*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Imprisonment for debt is hereby forever abolished in Massachusetts.

Imprisonment for debt abolished.

SECT. 2. Wilful and intentional neglect to apply property, not exempt from attachment on execution, to the payment of a debt, shall be considered as a fraud, and shall be punished as hereinafter provided.

Fraud defined.

SECT. 3. If the plaintiff in any suit, or any person in his behalf, after execution is issued amounting to twenty dollars, exclusive of costs, and while twenty dollars, exclusive of costs, remains uncollected thereon, shall make oath, and prove to the satisfaction of any justice of any court of record, or of any police justice, judge of probate, commissioner of insolvency, or master in chancery,—

Body may be arrested on execution of \$20. on oath of plaintiff—

First, That he believes, and has reason to believe, that the defendant has property, not exempt from being taken on execution, which he does not intend to apply to the payment of the plaintiff's claim; or,—

First, That defendant has property, etc.

Second, That property has been fraudulently conveyed, etc.

Second, That since the debt was contracted, or the cause of action accrued, the debtor has fraudulently conveyed or concealed, or otherwise disposed of his estate, or some part thereof, with a design to secure the same to his own use, or to defraud his creditors; or,—

Third, That property has been lost by gaming.

Third, That since the debt was contracted, or the cause of action accrued, he has hazarded and paid money or other property, to the value of one hundred dollars or more, in some kind of gaming prohibited by the laws of the Commonwealth; or,—

Fourth, That estate has been wilfully expended.

Fourthly, That he has wilfully expended his goods and estate, or some part thereof, for the purpose of enabling himself to swear that he has not any estate to the amount of twenty dollars, except such as is exempted from being taken on execution; or,—

Fifth, That the debt was contracted with intention not to pay

Fifthly, If the action was founded on contract, that the debtor contracted the debt with an intention not to pay the same, the plaintiff's affidavit shall be indorsed upon the execution, with the certificate of the magistrate that he is satisfied that there is reasonable cause to believe that the charges, or either of them, specifying which, are true,—then, and not otherwise, the execution may be served, by the arrest of the body. If the execution be issued by a justice of the peace, the affidavit may be made before him, and the certificate granted by him, and the form of execution shall be the same as now.

Defendant, when arrested, to be carried before a magistrate.

SECT. 4. The defendant, when arrested, shall be carried before some one of the magistrates mentioned in section three, or, if none such can be conveniently found, before some justice of the peace and of the quorum, who shall, if the defendant desires it, give notice to the creditor, his agent or attorney, that the defendant desires to take the oath for the relief of poor debtors; and such notice shall be served upon said plaintiff, agent or attorney, by giving him an attested copy thereof, or by leaving such copy at his usual place of abode, allowing not less than one hour before the time appointed for examination, and allowing time for travel at the rate of not less than one day for every twenty-four miles travel. And when there are more than one person plaintiff, or more than one agent or attorney, service upon one shall be deemed sufficient. When the plaintiff is dead, or not a resident in the county where the arrest is made, the citation shall be served upon the agent or attorney, if he lives in the county or has his usual place of business therein; but if no such agent or attorney can be found within the county, the

Notice given to creditor.

officer shall make return of the facts, and the same proceedings shall be had as if notice had been served as above provided.

SECT. 5. Such notice may be served by any officer qualified to serve civil process. The person who made the writ on which execution is obtained may always be regarded as the attorney of the plaintiff, as to the service of notice; and this form of notice, or any equivalent thereto, shall be considered as sufficient:—

To A B——: C D——, arrested on execution in your favor, desires to take the oath for the relief of poor debtors, at [naming the day and hour,] at [naming the place,] [signed with a designation of the capacity of the magistrate.] Notice, how served.

If the magistrate issuing the notice does not attend, any other magistrate, authorized to act in such cases, may attend and act at the time and place specified.

SECT. 6. The examination may be verbal or written, at the choice of the creditor; and if it be written, it shall, at the desire of the creditor, be signed and sworn to by the debtor and preserved by the magistrate. Any legal evidence may be produced on behalf of the debtor or creditor, and such examination may be continued from time to time; but no continuance shall be granted if the debtor objects, unless it is absolutely required for the furtherance of justice. If, upon such examination, the magistrate shall be satisfied of the truth of the facts set forth in the oath to be taken by the debtor, and in the certificate to be made by the magistrate as required herein, and if it shall appear to him that the debtor is entitled to his discharge under the provisions of this act, he shall administer to him the oath hereafter mentioned. Examination verbal or written.

The oath shall be as follows, to wit:—

I, ——, do solemnly swear that I have not any estate, real or personal, to the amount of twenty dollars, except the goods and chattels which are by law exempted from being taken on execution, and that I have not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same to my use, or to defraud my creditors. So help me, God. Oath.

SECT. 7. After administering the oath, the magistrate shall make a certificate thereof, under his hand, in substance as follows, to wit:—

S—— ss. I, the subscriber, hereby certify that A B——, a poor prisoner, arrested upon execution for debt, has caused E F——, the creditor at whose suit he is arrested, to be Magistrate's certificate.

notified according to law, of his desire to take the benefit of the law for the relief of poor debtors; that in my opinion, the said A B—— has not any estate, real or personal, to the amount of twenty dollars, except the goods and chattels which are by law exempted from being taken in execution, and has not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same to his own use or to defraud his creditors. And I have, after due examination of the said A B——, administered to him the oath for the relief of poor debtors.

Witness our hand this —— day of ——, in the year——.

Debtor discharged or imprisoned.

Upon taking this oath the debtor shall be discharged from arrest, and shall be forever exempt from arrest on the same execution, or upon any process founded on the judgment. If the oath be refused, a certificate thereof shall be indorsed on the execution, and the debtor shall be conveyed to jail by the officer, and be there kept until the execution shall be satisfied, or until he shall be released by the creditor, or until he shall have given notice in the manner now provided by law, and shall have taken the oath for the relief of poor debtors. And all the proceedings in such case shall be the same as now provided for by law, except that they shall be conducted before one of the magistrates named in the third section of this act, instead of being before the justices now having cognizance of such cases.

Debtor may plead guilty or not guilty, etc.

SECT. 8. When either of the charges named in the third section of this act, numbered second, third, fourth and fifth, shall be made as therein provided, or whenever the creditor, or any one in his behalf, shall at any time, pending the examination of the debtor, file such charges, or any one of them, the debtor may plead guilty, or not guilty; and the same proceedings shall be had, and the same sentence may be passed, as provided in the ninety-eighth chapter of the Revised Statutes.

Proceedings thereon.

Debtor may recognize.

SECT. 9. Pending the examination of a debtor, and at any time after he is brought before a magistrate, the magistrate may accept the recognizance of the debtor, with surety or sureties, in a sum double the amount of the execution, for his appearance at the time of the next hearing, or if the debtor does not desire to have any time fixed for examination, the magistrate may take his recognizance as aforesaid, that within ninety days he will deliver himself up for examination, giving notice as before mentioned, to his creditor, and making no default at any time fixed for his examination, and abide the final order of the magistrate thereon. The

magistrate shall examine the sureties on oath, and may, at his discretion, take their examination in writing, signed by them.

SECT. 10. The debtor, as soon as he is arrested, shall be informed by the officer of all his rights under this act, and he shall have reasonable time to procure sureties before being carried before the magistrate. Officer to inform debtor of his rights.

SECT. 11. No person shall be arrested on *mesne process* in any action of contract, unless the plaintiff, or some one in his behalf, shall make oath, to the satisfaction of some justice of a court of record, police justice, judge of probate, commissioner of insolvency, or master in chancery, that he has a good cause of action, and a reasonable expectation of recovering a sum amounting to twenty dollars; that he believes, and has good cause to believe, the defendant intends to leave the State, so that execution, if obtained, cannot be served upon him; and that he believes the defendant has property not exempt from being taken in execution. And there shall be such a hearing as is herein provided in cases of arrest on execution, and the affidavit and certificate of the magistrate shall be indorsed upon the writ. Hearing, etc., on arrests on mesne process.

SECT. 12. The defendant, when arrested, shall be carried before some one of the magistrates named in section three, or, if none such can be conveniently found, before some justice of the peace and of the quorum. And if the debtor desires to take the oath for the relief of poor debtors, or an oath that he does not intend to leave the State, he shall be examined, after giving notice, as above provided in case of arrest on execution, to the creditor, his agent or attorney, if such creditor, agent or attorney, can be found; and record shall be made of the defendant's proceedings. If the magistrate is satisfied that the defendant did not, when arrested, and does not at the time of hearing, intend to leave the State, he shall make certificate thereof, and the defendant shall be discharged from arrest. If the defendant does not swear, to the satisfaction of the magistrate, that he does not intend to leave the State, the examination shall be conducted in the same manner, and the same charges of fraud may be filed, with the same effect, as provided in section seven. Continuances may be granted on the defendant's recognizing, with surety or sureties, to the satisfaction of the magistrate, that the defendant shall make no default at the time fixed for hearing, and abide the final order of the magistrate. The form of oath shall be the same as that prescribed in case of arrest on execution, and a certificate Arrest of defendant, and subsequent proceedings.

thereof shall be delivered to the defendant, and he shall never be liable to arrest for the same cause of action. If the oath is refused, the defendant shall be conveyed to jail by the officer making the arrest, and there kept until discharged by the creditor, or until he shall have taken the oath for the relief of poor debtors, or shall have been released on bail, on the same conditions as are now provided by law, and the provisions in regard to the oath shall be the same as now, except that it shall be administered by one of the magistrates named in section three. And the debtor may give notice of his intention to take both the oaths herein provided for.

Debtors mis-
spending prop-
erty after arrest, to
be refused oath.

SECT. 13. If any person arrested on execution shall, after such arrest, misspend or misuse goods, effects or credits, to the amount of forty dollars not exempt from being taken on execution, but which cannot be attached by ordinary process of law, or so much thereof as is equal to the sum for which he is committed, without having offered the same to the arresting creditor in satisfaction, or part satisfaction, of his debt, such defendant shall be refused the oath for the relief of poor debtors.

Fees, by whom
paid.

SECT. 14. The fees of the magistrate shall be as follows: For hearing an application for power to arrest, one dollar; for approving sureties and taking the recognizance of a debtor after arrest, one dollar; for an examination, two dollars for each day spent therein. And the creditor causing an arrest shall pay all these fees in advance, including the fee for each day's examination, and also the cost of service; and in case of the refusal of the oath, they shall be charged to the debtor as part of the costs of service of the execution or writ. And if the creditor shall at any time make default, after request, in the payment of the fees, the magistrate may discharge the debtor from arrest.

No arrests after
sunset.

SECT. 15. No arrest shall be made after sunset, unless specially authorized by the magistrate making the certificate.

No woman ar-
rested, except for
tort.

And no woman shall be arrested in any civil process except for tort.

When to take
effect.

SECT. 16. This act shall take effect on the fourth day of July, in the year eighteen hundred and fifty-five, and shall apply to all cases in which arrest is not made before that day, and to no others. All acts or parts of acts inconsistent with this act are hereby repealed. [*Approved by the Governor, May 21, 1855.*]

An Act relative to State Paupers.

Chap. 445

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city and town shall be allowed, for transporting State paupers to the State almshouses, the regular fare of the public conveyances, where such conveyances may be available, and in such cases as they cannot be so conveyed, they shall be allowed the actual expense incurred, and no more. And this provision shall apply to children as well as adults, so that in no case any city or town shall draw money from the State except to reimburse them for expenses actually incurred.

Cities and towns to be allowed actual expenses only.

SECT. 2. In case there shall be any person or persons falling into distress in any city or town, who cannot be removed, by reason of sickness or other disability, in the opinion of the officers in such city or town as may have such duty to perform, they shall notify the superintendent of the almshouse where such person or persons are entitled, by law, to be received, and he shall, if he deems it expedient, request the attending physician of said almshouse to visit said person or persons; and if, in his opinion, said person or persons cannot be safely or properly removed, then the city or town, providing for said pauper or paupers, shall be entitled to a sum not exceeding three dollars per week for the board of said paupers; but if, in the opinion of said physician, said paupers may be safely and properly removed, he shall so direct, and they shall be removed to the said almshouse.

Cities and towns allowed \$3 per week for paupers too sick to be removed.

SECT. 3. The inspectors of the several State almshouses shall have the same powers respectively, in relation to the paupers who are now, or may hereafter become, inmates of the same, and their property, if they have any, or any property left by them, in case of their decease, as are by law vested in towns and in the overseers of the poor in towns, in reference to those paupers who are in any way supported or relieved by towns; and said inspectors, in carrying into effect said powers, shall follow the same modes of proceeding as are prescribed for towns and overseers of the poor in towns, in like cases, and may institute and prosecute suits and other legal proceedings, when necessary for the above purpose, in the same manner as towns and overseers of the poor in towns are authorized to do in like cases.

Powers of inspectors in case of the death of paupers.

Liability of towns
for the support of
paupers.

SECT. 4. If any pauper, having a legal settlement in any city or town in the Commonwealth, shall become an inmate of either of the State almshouses, such city or town shall be liable to the Commonwealth for the expense incurred for such pauper, at such almshouse, in like manner as one town is liable to another town in like cases, and the same measures shall be adopted by the inspectors of the State almshouses respectively, in regard to notifying towns so liable, the removal of such pauper, and the recovery from towns of expenses incurred for such pauper at the almshouse, as are prescribed for towns in like cases.

Kindred of paupers
liable for expenses.

SECT. 5. The kindred of paupers who are liable by law to towns for expenses in supporting such paupers, shall, in like manner, be liable to the Commonwealth for any expense incurred for such paupers at either of the State almshouses, and the inspectors of the State almshouses, respectively, are hereby authorized to adopt the same measures, and institute and prosecute the like legal proceedings, for the recovery of such expenses, of the kindred so liable, as are prescribed for towns in like cases.

Inconsistent acts
repealed.

SECT. 6. All acts and parts of acts, inconsistent with the provisions herein contained, are hereby repealed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 446

An Act to Prevent and Punish Incendiarism.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Punishment for
cutting bell rope,
etc., 24 hours be-
fore fire.

SECT. 1. Every person who shall, within twenty-four hours prior to the burning of any building or other property, wilfully and maliciously cut or remove any bell-rope in the vicinity of such building or property, or who shall cut, injure or destroy any engine, hose, or other apparatus belonging to any engine in said vicinity, shall be deemed to be guilty of the burning, as accessory before the fact, and shall be punished accordingly.

Persons prevent-
ing alarm punish-
ed as accessories
after the fact.

SECT. 2. Every person who, during the burning of any building or other property, shall, wilfully and maliciously, cut or remove any bell rope in the vicinity of such building or property, or otherwise prevent an alarm being given, or who shall cut, injure, or destroy any engine, hose, or other apparatus belonging to any engine in said vicinity, or who shall otherwise, wilfully and maliciously, prevent or obstruct

the extinguishing of any fire, shall be deemed to be guilty of the burning as accessory after the fact, and shall be punished therefor as provided in section fourth of the one hundred and thirty-third chapter of the Revised Statutes. [*Approved by the Governor, May 21, 1855.*]

An Act in addition to the Act to incorporate the Town of South Danvers, and amendatory to the Act to establish the Fire Department of the Town of Danvers, passed in the year eighteen hundred and twenty-nine. Chap. 447

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Said town of South Danvers shall be considered a part of the town of Danvers for the purpose of voting on the several amendments to the constitution, which towns in this Commonwealth are required to vote upon on the twenty-third day of this present month; and the selectmen of the town of Danvers are hereby required to receive the votes of persons belonging to said town of South Danvers, and make return of the same, together with those of the town of Danvers, in the same manner as if the act to incorporate the town of South Danvers had not been passed. South Danvers to vote with Danvers on amendments to the constitution.

SECT. 2. The first section of the act to establish the fire department in the town of Danvers, passed in the year of our Lord eighteen hundred and twenty-nine, is so far amended as to require the town of Danvers to choose five persons as fire-wards, instead of twelve persons, as therein required. Five firewards instead of twelve.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to extend the Jurisdiction of Police Courts, in certain cases. Chap. 448

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The several police courts of this Commonwealth shall have concurrent jurisdiction with the municipal court of the city of Boston, and the court of common pleas, of all larcenies where money or other property stolen shall not be alleged to exceed the value of fifty dollars, in all which cases the punishment imposed may be such as the court of common pleas and municipal court are authorized to inflict by existing laws. Police courts to have concurrent jurisdiction with C. C. Pleas in cases of larceny not exceeding \$50.

SECT. 2. The several police courts of this Commonwealth, in addition to the jurisdiction now exercised by Also, of assault and battery, not felonious.

them in cases of assault and battery, shall have concurrent jurisdiction with the municipal court of Boston, and the court of common pleas in the several counties of the State, of all cases of assault and battery, not felonious, occurring within their jurisdiction, in all which cases the punishment imposed may be such as the municipal court and court of common pleas are authorized to impose by existing laws.

Police courts may decline to take final jurisdiction, etc.

SECT. 3. Said police courts may, at their discretion, decline to take final jurisdiction in any of the cases referred to in this act, and may send the same, as now, to the court of common pleas or municipal court for examination and trial; and any person convicted under the provisions of this act shall have the right of appeal, in the same manner and to the same extent as in other cases. [*Approved by the Governor, May 21, 1855.*]

Appeal.

Chap. 449

An Act to establish the Superior Court of the County of Suffolk.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Superior Court in Suffolk, with four justices.

SECT. 1. There shall be, and hereby is, established, in the county of Suffolk, a court, to be called the Superior Court of the County of Suffolk; and there shall be appointed, commissioned and qualified, in the manner prescribed by the constitution, four suitable persons, learned in the law, to be justices of the said court, one of whom shall be appointed and commissioned as chief justice of the said court.

Same powers as C. C. Pleas.

SECT. 2. The said court shall have, in all respects, the same powers which the court of common pleas now has, when sitting in said county, and until otherwise provided, shall appoint a clerk and an assistant clerk of said court, and any other officers that may be necessary for the transaction of the business thereof, and shall establish a seal for the said court; and all writs and processes issuing from the said court, which by law are required to be under seal, shall be under the seal, and signed by the clerk or assistant clerk thereof, and may run into any county, and shall be obeyed and respected throughout the Commonwealth.

Clerk, etc.

Seal.

Writs, etc.

Jurisdiction.

SECT. 3. The said court shall have jurisdiction in all cases, and in the same manner, and to the same extent, in which the court of common pleas now has jurisdiction in said county, whether original and exclusive, concurrent or appellate; and they shall also have exclusive jurisdiction, in

all cases in which the court of common pleas now has concurrent jurisdiction, with the supreme judicial court in said county, wherein the damages demanded or the property claimed shall not exceed in amount or value the sum of fifteen hundred dollars; and no action in which the said superior court may have jurisdiction under this act shall be brought in the supreme judicial court in the county of Suffolk, except the damages therein demanded, or the property claimed, shall exceed in amount or value the sum of fifteen hundred dollars, and unless the plaintiff, or some one in his behalf, shall, before service of the writ, make oath or affirmation before some justice of the peace that the matter sought to be recovered actually exceeds, in amount or value, the said sum.

SECT. 4. In all actions which shall be pending in the said superior court, in which the damages demanded or the property claimed shall exceed in amount or value the sum of fifteen hundred dollars, the defendant, if he or any person in his behalf shall at the first term of the court, unless the defendant be out of the Commonwealth, and then, at the term when such defendant is holden by law to make his appearance, make oath or affirmation before any justice of the peace that he verily believes he has a substantial defence, and intends to bring the cause to trial, may apply to have such action removed to the supreme judicial court; and upon such application the said superior court shall proceed no further in the cause, but the same shall, with the papers therein, be immediately removed to and entered in the supreme judicial court at the charge of the party removing the same, and therein be heard and determined as if it had been originally commenced in that court.

Actions exceeding \$1,500, may be removed to S. J. Court.

SECT. 5. There shall be no appeal from any judgment of the said superior court upon the verdict of a jury; but all questions of law, except such as may arise upon pleas in abatement, may be carried up to the supreme judicial court by bill of exceptions or writ of error.

No appeal from judgment etc.

SECT. 6. Any party aggrieved by any judgment of the said superior court, founded upon matter of law, apparent on the record, except judgment upon pleas in abatement, may appeal therefrom to the supreme judicial court at the next term thereof for the county of Suffolk; and no issue of law, hereafter joined in the said superior court, shall be waived by consent of parties after such appeal shall have been entered in the supreme judicial court; but the supreme judicial court may, for good cause, allow the parties to with-

Appeals on matters of law etc.

draw or amend the pleadings, or make such other disposition as may to right and justice appertain: *provided*, that if the same shall end in an issue of fact, the case shall be remanded to the said superior court, to be tried there, and shall take the same place in the order of business in said court as if the same had not been removed.

Court, how often to be held.

SECT. 7. Six terms of said court shall be held in every year, in the city of Boston, within and for the county of Suffolk, as follows: that is to say, on the first Tuesday of January, March, May, July, September and November, and there shall be allowed to the prevailing party, to be taxed in his bill of costs, the same term fee now allowed in cases on the trial list in the supreme judicial court; and all original writs and writs of *scire facias*, returnable into said superior court, shall be made returnable on the said days, instead of the return days now fixed by law for the court of common pleas in the county of Suffolk.

Two sessions of court may be held at same time.

SECT. 8. At any term of the said superior court, when the public convenience shall require it, two sessions of the said court may be held in Boston, each by one of the justices thereof; and such division may be made of the business of the court, at any time, as may conduce to the more speedy and convenient disposal of the same.

Adjournment of court by sheriff or deputy.

SECT. 9. When no justice of the said court shall be present at the time and place appointed for holding the same, whether at the beginning of a term or at any adjournment thereof, the sheriff of the county of Suffolk, or either of his deputies, may adjourn the court from day to day, or from time to time, as the circumstances may require, or as may be ordered by any of the said justices.

Traverse jurors.

SECT. 10. Traverse jurors shall be selected and required to attend the said superior court, at the respective terms thereof, in the same manner in which traverse jurors are now by law selected and required to attend the terms of the court of common pleas in the county of Suffolk.

Court to issue writs, make rules, etc.

SECT. 11. The said superior court shall issue all writs and processes that may be necessary or proper to carry into effect the powers granted to them; and when no form for any such writ or process is prescribed by statute, the court shall frame one in conformity with the principles of law and the usual course of proceedings in the courts of this Commonwealth. They shall also have power, from time to time, to make any rules, not contrary to the law of this Commonwealth, regulating the practice and business of the said court.

SECT. 12. Original writs and writs of *scire facias*, re-
turnable to the said superior court, which are required to
be served fourteen days before the return day, shall be made
returnable on the return day first occurring next after the
expiration of fourteen days from the date of the writ; or,
if they be required to be served thirty days before the re-
turn day, they shall be made returnable on the return day
first occurring after the expiration of thirty days from the
date of the writ. Special writs, not specified in this sec-
tion, may be returnable as the said court may direct. Writs
of execution shall be made returnable in sixty days from
their date, as they are now returnable to all the other
courts.

Return of writs,
etc.

SECT. 13. This act shall not affect any action, suit or
process, pending when the act takes effect, so far as relates
to the previous proceedings therein; but every such action,
suit, process or proceeding which shall then have been en-
tered in the court of common pleas for the county of Suf-
folk shall forthwith be transferred to, and have day and be
heard and determined in, the said superior court, as fully
and effectually as the same might have been done in the
court of common pleas sitting within and for the county of
Suffolk if this act had not been passed; and every action,
suit or process, which shall have then been commenced, but
not entered, shall be entered and have day in the said supe-
rior court on the return day of the writ or process, whether
the same be at the commencement of a term of the said
superior court or not; and the subsequent proceedings in
every such action shall be according to the provisions of this
act.

Pending actions,
how disposed of.

SECT. 14. The clerk of said court shall receive, for his
services, the sum of two thousand dollars per annum, pay-
able quarterly, out of the treasury of the city of Boston;
and the assistant clerk shall receive, for his services, the
sum of fifteen hundred dollars per annum, payable in the
same manner. The same fees shall be allowed and paid in
this court, as are now allowed by law in the court of com-
mon pleas, except that for blank writs there shall be al-
lowed and paid the sum of five cents each, and the entry
fee shall be one dollar. Said fees shall be paid to the
clerk of said court, who shall account for and pay over the
same to said city treasurer.

Compensation of
clerks.

SECT. 15. The city council of the city of Boston shall
have power, and it shall be their duty, to provide, from time
to time, for the payment, by the said city, of all expenses

City of Boston to
pay expenses.

attending the sessions of the said court, and the transaction of business not herein specially provided for.

Justices of superior court to hold municipal court.

SECT. 16. The justices of the said superior court shall also be, *ex officio*, the justices of the municipal court of the city of Boston, and shall have all the powers in relation thereto that the justices of the court of common pleas now have; and all the duties now required by law to be performed by the justices of the court of common pleas, or by any one of them, in the said municipal court, shall be hereafter performed by the justices of the said superior court, or by some one of them. Two terms of the municipal court may be held at the same time in Boston, by the justices of the said superior court, whenever the public convenience shall require it.

Salary of judges.

SECT. 17. The chief justice of said court shall receive an annual salary of thirty-two hundred dollars, and each of the other justices shall receive an annual salary of three thousand dollars; and said salaries shall be paid quarterly, from the city treasury of Boston, and in the same proportion for any portion of a quarter.

Salaries, etc., to be paid by city of Boston, and all fines, etc., paid to city treasurer.

SECT. 18. The salaries established, and all expenses incurred in the administration of justice, under this act, shall be paid by the said city of Boston, as herein provided; and all fees, fines, forfeitures or costs, occurring or incurred, or which may hereafter accrue, in the court hereby established, or in said municipal court, or in the police or justices' court, in said city of Boston, shall be paid to the city treasurer, for the use of said city of Boston.

Laws applicable to C. C. Pleas to apply to superior court.

SECT. 19. All acts and parts of acts, not inconsistent with the provisions of this act, shall apply to the said superior court, so far as the same would have been applicable to the court of common pleas, in the county of Suffolk, if this act had not been passed.

Terms of C. C. P. abolished in Suffolk.

SECT. 20. The terms of the court of common pleas, now required by law to be held within and for the county of Suffolk, shall be abolished from and after the time when this act takes effect.

Judges may interchange services.

SECT. 21. Judges of the said superior court and of the court of common pleas may interchange services, and hold mutual consultations in matters of law and as to rules of practice.

When to take effect.

SECT. 22. This act shall take effect on and after the first Tuesday of October next. [*Approved by the Governor, May 21, 1855.*]

An Act to incorporate the Bank of Mutual Redemption.

Chap. 450

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Andrew T. Hall, Benjamin E. Bates, George W. Thayer, Pliny E. Kingman, George F. Williams, Wesley P. Balch, Jr., of Boston; Alexander DeWitt, of Oxford; Franklin Ripley, of Greenfield; Ezekiel R. Colt, of Pittsfield; John A. Buttrick, of Lowell; Life Baldwin, of Brighton; Francis H. Davey, Eli Thayer, of Worcester; Roger S. Moore, of Springfield; Ebenezer Torrey, of Fitchburg; J. B. Congdon, of New Bedford, and their associates, are hereby made a corporation by the name of the Bank of Mutual Redemption, to be located in the city of Boston, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the laws of this Commonwealth relating to banks and banking, except as herein otherwise provided, and to continue for the term of twenty years from the passage of this act.

Corporators.

Location.
Powers, duties,
etc.

Duration.

SECT. 2. Subscriptions to the capital stock of said bank may be made by any bank in this Commonwealth, in pursuance of a vote of the stockholders thereof, at a meeting duly called for that purpose; and subscriptions to said capital stock may be made by any bank established by law in the States of Maine, New Hampshire, Vermont, Connecticut and Rhode Island: *provided*, that no bank shall be authorized to subscribe to said capital stock to an amount exceeding five per cent. of the capital of said bank actually paid in, nor exceeding the sum of twenty thousand dollars.

Subscriptions to
capital stock.

Proviso.

SECT. 3. The directors shall consist of not less than nine, nor more than thirteen persons, and any stockholder in said bank shall be eligible as a director; and any stockholder in any bank which shall be a stockholder of the capital stock of the bank hereby established, shall also be eligible to an election as a director therein: *provided*, that such person shall be nominated for such office by a vote of the majority of the directors of the bank of which he is a stockholder; and such vote shall be certified by the cashier of said bank; and no person shall be ineligible to the office of director of the bank hereby established, by reason of being a director in any other bank.

Eligibility of di-
rectors.

Proviso.

SECT. 4. The capital stock of said bank shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at

Capital not to ex-
ceed \$3,000,000
in shares of \$100
each.

Meeting called
when \$1,000,000
is subscribed.

such times as the stockholders may direct; and whenever the sum of one million of dollars shall have been subscribed thereto by the banks, as provided in the second section, a meeting of the subscribers may be called by a majority of the persons mentioned in the act of incorporation, by a written notice to each bank or person so subscribing; and not less than one-half of the capital stock of said bank shall be subscribed for and held by the banks of New England, as provided in the second section; and one-half of said amount shall be subscribed for and held by the banks of Massachusetts.

Issue of bills, cir-
culation, etc.

SECT. 5. Said bank shall not be authorized to issue bills of less denomination than ten dollars, and its circulation shall in no case exceed one-half of the amount of its capital stock; and said bank shall not receive the bills of any bank at a discount from their par value.

Transfer of stock.

SECT. 6. The stock of said bank shall be transferable only to banks, so far as is required to be subscribed by banks, and the transfer of the stock shall be made only at its banking house and in its books. [*Approved by the Governor, May 21, 1855.*]

Chap. 451 An Act concerning filling Vacancies in the Office of Prudential Committee.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Vacancies in pru-
dential school
committee, how
filled.

SECT. 1. Whenever the office of prudential committee of any school district in this Commonwealth shall become vacant by reason of the resignation, removal, or death of that officer, such vacancy may be filled by the school district in which such vacancy occurs, at any meeting called for that purpose, in accordance with sections forty-six, forty-seven and forty-eight of the twenty-third chapter of the Revised Statutes.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 452 An Act to secure the Safety of Passengers at Railroad Crossings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Engines to be
stopped 500 feet
from crossing of
railroads at grade.

SECT. 1. Whenever any railroad now constructed, or which shall hereafter be constructed, crosses or is crossed

by any other railroad at grade, it shall be the duty of every engine-man on both such railroads, when approaching the point of intersection with an engine attached to a train, or moving without a train, before reaching such crossing, to stop his engine at some point within the distance of five hundred feet of such crossing, and when he resumes his course, to pass slowly over such crossing; and when two or more crossings on the same railroad are situate within four hundred feet of each other, one stop shall suffice for both. And for every violation of this act, the engine-man offending shall forfeit and pay the sum of one hundred dollars. And the corporation on whose railroad such offence shall be committed, shall forfeit and pay the further sum of three hundred dollars therefor. Penalties.

SECT. 2. All actions for forfeitures which shall be incurred under this act, shall be brought on complaint of any person, in the name of the Commonwealth, in the county where the offence was committed. And in all cases of conviction, one-half of the amount forfeited shall go to the complainant, and the other half shall be paid to the treasurer of the city or town within which the offence shall be committed, for the use or benefit of such city or town. Forfeitures, how recovered, etc.
[Approved by the Governor, May 21, 1855.]

An Act relating to the Attachment of Real Estate conveyed in fraud of Creditors. Chap. 453

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any real estate or any right or interest in any real estate has been fraudulently conveyed to a third person, with the design of securing the same from attachment by any creditor of the person making such conveyance, or with the intent of delaying, defeating or defrauding, such creditor, such real estate may be attached or taken on execution, as provided in the one hundred and seventh chapter of the statutes of eighteen hundred and forty-four; and the return of such attachment by the officer under the provisions of said act, or of this act, shall specify the name of such grantee or grantees, or third person, so far as known to the officer, or the name or names of the person or persons in whom the record or legal title to the same may stand, and a brief reference to the estate attached, by its locality, situation, boundaries or otherwise, so far as known to said officer; and it shall be the duty of the clerk of the courts to Estates fraudulently conveyed may be attached

enter the name so specified, as well as that of the defendant, in the book of attachments now required by law.

Inconsistent act repealed.

SECT. 2. So much of the one hundred and seventh chapter of the statutes of eighteen hundred and forty-four, as is inconsistent with the provisions of this act, is hereby repealed.

Existing attachments not affected.

SECT. 3. Nothing herein contained shall apply to attachments made before this act shall take effect. [*Approved by the Governor, May 21, 1855.*]

Chap. 454

An Act to establish a Hospital for Insane in Western Massachusetts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commissioners to be appointed.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized and empowered to appoint a board of three commissioners, who shall purchase an eligible site within one of the four western counties of this Commonwealth, and cause to be erected thereon a suitable hospital for the care and cure of the insane—the accommodations of such hospital to be sufficient for two hundred or two hundred and fifty patients, a superintendent and steward, with their families, and all necessary subordinate officers, attendants and assistants. And the said commissioners shall have power to make all contracts and to employ all agents necessary to carry into effect the powers hereinbefore granted: *provided*, that the aggregate amount of expenses and liabilities, incurred by virtue of said powers, shall not exceed the amount of two hundred thousand dollars; and the said commissioners shall present all their accounts to the auditor, to be by him audited and allowed, from time to time, as he shall deem proper.

Power.

Commonwealth to issue scrip.

SECT. 2. In order to defray any expenses incurred in pursuance of the preceding section, or to repay any sums borrowed, as hereinafter authorized, the treasurer is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding one hundred and fifty thousand dollars, which may be expressed in the currency of Great Britain, and shall be payable to the holder thereof in London, bearing an interest of five per cent., payable semi-annually in London, on the first days of April and October,

with warrants for the interest attached thereto, signed by the treasurer, which scrip or certificates shall be redeemable in London on the first day of April, one thousand eight hundred and seventy-five, and shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the treasurer may, under the direction of the governor and council, dispose of any portion of said scrip at any price not less than its original par value.

SECT. 3. The treasurer, under the direction of the governor and council, may borrow, in anticipation of the issue of the scrip, authorized as above, of any of the banks of this Commonwealth, or of any corporations or individuals, such sums as may be necessary for any of the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall at no time exceed the amount of one hundred and fifty thousand dollars. [*Approved by the Governor, May 21, 1855.*]

Treasurer may
borrow money.

An Act concerning the Boston Wharf Company.

Chap. 455

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston Wharf Company are authorized to extend their wharf in South Boston from the line of private rights one hundred rods from high-water mark to the commissioners' line B, established by an act entitled "An Act concerning the Harbor of Boston," approved May twenty-fifth, eighteen hundred and fifty-three, and to maintain the same in the mode prescribed by law: *provided, however*, that the width of their front, on the line B, shall be of the same width only as the width which may be decided by the supreme judicial court to be the legal width of the line of their legal rights on the aforesaid line one hundred rods from high-water mark: and *provided, also*, that the flats over which the company are hereby authorized to extend their wharf shall in no part thereof be of any greater width than the width of their legal rights on the aforesaid line one hundred rods from high-water mark. Said company are authorized to lay vessels at the westerly side, and at the end of their wharf, and to receive wharfage and dockage therefor. This act shall take effect from and after its passage.

May extend
wharf.

Proviso.

SECT. 2. The Boston Wharf Company shall pay their proportion of the expenses of making the excavations set forth in the fifth section of the two hundred and fifty-fourth chapter

Company to pay
proportion of ex-
penses.

of the acts of the year eighteen hundred and fifty, said proportion to be assessed by the commissioner appointed under said act, and shall build such avenues or streets as the mayor and aldermen of the city of Boston may, within five years, direct, on property thus made at their own expense.

Company not to hold certain land or flats.

SECT. 3. This act shall not authorize said company to take and hold any land or flats lying in front of the land or flats of any other person or persons, or which shall not be embraced between the true lines of its estate, extended as they shall be defined by the supreme judicial court. [Approved by the Governor, May 21, 1855.]

Chap. 456 An Act to authorize the Western Railroad Corporation to issue Bonds.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to issue \$1,500,000 scrip.

SECT. 1. The Western Railroad Corporation is authorized to issue their scrip, commonly called bonds, to an amount not exceeding one million five hundred thousand dollars, to be expressed in United States or sterling currency, or both, and to secure the whole, or any portion, of said bonds by a mortgage, in fee simple, of the Western Railroad and its equipments and appurtenances.

Directors to determine denomination, time of payment, rate of interest, etc.

SECT. 2. Said bonds may be of such denominations, may be payable at such time or times, may bear such rate of interest, evidenced by coupons annexed, and may be negotiated upon such terms as the directors of said corporation shall determine. [Approved by the Governor, May 21, 1855.]

Chap. 457 An Act for the better protection of Orchards, Nurseries, Gardens, &c.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Punishment for destroying trees, stealing fruit, etc.

SECT. 1. Every person who shall wilfully and maliciously enter any orchard, nursery, garden, or cranberry meadow, and take away, mutilate or destroy any tree, shrub or vine, or steal, take and carry away any fruit or flower, without the consent of the owner thereof, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment, in the house of correction, for a term not exceeding three months.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

An Act providing for the Maintenance of Wives whose Husbands are under Guardianship for Idiocy or Insanity. *Chap. 458*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The wife of any person under guardianship for idiocy or insanity, may have for her support during the continuance of such guardianship, the use of one-third part of her husband's property, both real and personal; said third to be assigned to her by commissioners appointed by the judge of probate, whenever she shall petition for the same.

Wife of insane husband to have one-third part of real and personal estate, etc.

SECT. 2. Nothing in this act shall be construed so as to prevent such wife from enjoying the means now provided by statute for her support. [*Approved by the Governor, May 21, 1855.*]

This act not to prevent enjoying other means.

An Act in addition to "An Act to incorporate the Massachusetts Historical Society." *Chap. 459*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Massachusetts Historical Society is hereby authorized to hold real and personal estate, in addition to its library, to an amount not exceeding one hundred thousand dollars.

Real and personal estate, \$100,000.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to incorporate certain persons by the name of the American Hospital and Home for Surgery. *Chap. 460*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That Samuel Nicolson, Joseph S. Jones, Charles E. Buckingham, Joseph West, John C. Hubbard, Moses Kimball and Thomas E. Chickering, together with such other persons as may hereafter be admitted members of the corporation hereinafter created, according to the by-laws thereof, be, and they hereby are, incorporated and made a body corporate, by the name of the American Hospital and Home for Surgery, and by that name may sue and be sued, and shall have and use a common seal, to be by them devised, altered, and renewed, at their pleasure.

Corporators.

Name.

SECT. 2. And be it further enacted, that the said corporation may take and hold any grants and devises of lands

May hold lands, etc.

and tenements, and any donations, bequests, or subscriptions of money or other property to be used in the erection, establishment, support and maintenance of a hospital for sick persons, and for the operations of surgery: *provided*, that the whole amount, so held, of estate, real, personal, or mixed, shall not exceed two hundred thousand dollars.

Proviso.

Officers, etc.

SECT. 3. And be it further enacted, that the said corporation may, at their first or any subsequent meeting, choose all necessary and convenient officers, who shall have such powers and authorities as the said corporation may think proper to prescribe and grant to them, and who shall be elected in such manner and for such periods of time as the by-laws of the said corporation may provide. And said corporation may further make and establish such by-laws and regulations for the internal government and economy of the hospital as they may think proper, not repugnant to the constitution and laws of this Commonwealth.

By-laws.

May change name of corporation.

SECT. 4. And be it further enacted, that it shall be lawful for the said corporation, at any general meeting of the members thereof, to alter or change the name of said corporation, by substituting therefor the name of any distinguished benefactor.

First meeting, how called.

SECT. 5. And be it further enacted, that Samuel Nicolson be, and hereby is, authorized to call the first meeting of said corporation, by notification, and therein to appoint the time and place of meeting. [*Approved by the Governor, May 21, 1855.*]

Chap. 461 An Act to apportion and assess a Tax of Four Hundred and Forty-nine Thousand Nine Hundred and Eighty-six Dollars and Fifty Cents.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

State tax assessed amounting to \$449,986.50.

SECT. 1. Each city or town hereinafter named within this Commonwealth, shall be assessed and pay the several sums with which they stand respectively charged in the following schedule:—

SCHEDULE.

SUFFOLK COUNTY.

Boston, . . .	One hundred forty-eight thousand thirty-six dollars and fifty cents,	\$148,036 50
Chelsea, . . .	Two thousand six hundred forty-six dollars,	2,646 00
North Chelsea,	Five hundred eighty dollars and fifty cents,	580 50
		<hr/> \$151,263 00

ESSEX COUNTY.

Amesbury, . . .	Eight hundred fifty-nine dollars and fifty cents,	\$859 50
Andover, . . .	Two thousand four hundred sixteen dollars and fifty cents,	2,416 50
Beverly, . . .	One thousand seven hundred thirty-two dollars and fifty cents,	1,732 50
Boxford, . . .	Four hundred eighteen dollars and fifty cents,	418 50
Bradford, . . .	Three hundred six dollars,	306 00
Danvers, . . .	Two thousand six hundred twenty-three dollars and fifty cents,	2,623 50
Essex,	Five hundred four dollars,	504 00
Georgetown, . .	Five hundred eighty-nine dollars and fifty cents,	589 50
Gloucester, . .	One thousand nine hundred eighty-nine dollars,	1,989 00
Groveland, . . .	Three hundred thirty-seven dollars and fifty cents,	337 50
Hamilton, . . .	Three hundred forty-six dollars and fifty cents,	346 50
Haverhill, . . .	One thousand eight hundred twenty-two dollars and fifty cents,	1,822 50
Ipswich,	Eight hundred fifty-nine dollars and fifty cents,	859 50
Lawrence, . . .	Four thousand four hundred fifty-nine dollars and fifty cents,	4,459 50
Lynn,	Three thousand four hundred seventy-eight dollars and fifty cents,	3,478 50
Lynnfield, . . .	Two hundred seventy-nine dollars,	279 00
Manchester, . . .	Four hundred twenty-three dollars,	423 00

ESSEX—CONTINUED.

Marblehead, .	One thousand six hundred fifty-six dollars,	\$1,656 00
Methuen, .	Eight hundred forty-one dollars and fifty cents,	841 50
Middleton, .	Two hundred forty-seven dollars and fifty cents,	247 50
Newbury, .	Five hundred seventeen dollars and fifty cents,	517 50
Newburyport, .	Four thousand one hundred eighty dollars and fifty cents,	4,180 50
Rockport, .	Six hundred twenty-one dollars,	621 00
Rowley, .	Three hundred sixty-four dollars and fifty cents,	364 50
Salem, .	Nine thousand nine hundred ninety-nine dollars,	9,999 00
Salisbury, .	Eight hundred thirty-two dollars and fifty cents,	832 50
Saugus, .	Four hundred nine dollars and fifty cents,	409 50
Topsfield, .	Three hundred seventy-eight dollars,	378 00
Wenham, .	Three hundred ten dollars and fifty cents,	310 50
West Newbury, .	Four hundred seventy-seven dollars,	477 00
		<hr/> \$14,280 00

MIDDLESEX COUNTY.

Acton, . . .	Four hundred fifty dollars,	\$450 00
Ashby, . . .	Four hundred fifty-nine dollars,	459 00
Ashland, . .	Three hundred fifty-one dollars,	351 00
Bedford, . .	Two hundred eighty-eight dollars,	288 00
Billerica, . .	Six hundred sixty-one dollars and fifty cents,	661 50
Boxborough, .	One hundred eighty-four dollars and fifty cents,	184 50
Brighton, . .	One thousand two hundred twenty-four dollars,	1,224 00
Burlington, .	Two hundred twenty-five dollars,	225 00
Cambridge, . .	Seven thousand seven hundred eighty-five dollars,	7,785 00
Carlisle, . .	Two hundred fifty-six dollars and fifty cents,	256 50
Charlestown, .	Six thousand five hundred eighty-eight dollars,	6,588 00

MIDDLESEX—CONTINUED.

Chelmsford, . .	Seven hundred fifty-six dollars, . . .	\$756 00
Concord, . .	Nine hundred sixty-three dollars, . . .	963 00
Dracut, . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Dunstable, . .	Two hundred seventy-four dollars and fifty cents, . . .	274 50
Framingham, . .	One thousand four hundred seventy-six dollars, . . .	1,476 00
Groton, . .	One thousand eighty dollars, . . .	1,080 00
Holliston, . .	Six hundred ninety-three dollars, . . .	693 00
Hopkinton, . .	Seven hundred sixty-nine dollars and fifty cents, . . .	769 50
Lexington, . .	Eight hundred ninety-one dollars, . . .	891 00
Lincoln, . .	Three hundred sixty dollars, . . .	360 00
Littleton, . .	Three hundred sixty-nine dollars, . . .	369 00
Lowell, . .	Twelve thousand nine hundred six dollars, . . .	12,906 00
Malden, . .	One thousand three hundred fifty dollars, . . .	1,350 00
Marlborough, . .	Nine hundred sixty-three dollars, . . .	963 00
Medford, . .	One thousand eight hundred twenty-two dollars and fifty cents, . . .	1,822 50
Melrose, . .	Four hundred five dollars, . . .	405 00
Natick, . .	Seven hundred ninety-six dollars and fifty cents, . . .	796 50
Newton, . .	Two thousand three hundred eighty dollars and fifty cents, . . .	2,380 50
Pepperell, . .	Five hundred ninety-eight dollars and fifty cents, . . .	598 50
Reading, . .	Nine hundred nine dollars, . . .	909 00
Sherborn, . .	Four hundred five dollars, . . .	405 00
Shirley, . .	Four hundred forty-five dollars and fifty cents, . . .	445 50
Somerville, . .	One thousand five hundred forty-eight dollars, . . .	1,548 00
South Reading, . .	Six hundred thirty-nine dollars, . . .	639 00
Stoneham, . .	Four hundred fifty-nine dollars, . . .	459 00
Stow, . .	Four hundred ninety dollars and fifty cents, . . .	490 50
Sudbury, . .	Seven hundred two dollars, . . .	702 00

MIDDLESEX—CONTINUED.

Tewksbury, .	Four hundred seventy-seven dollars, . .	\$477 00
Townsend, .	Six hundred seventy-five dollars, . .	675 00
Tyngsborough,	Three hundred sixty-nine dollars, . .	369 00
Waltham, .	Two thousand eighty-eight dollars, . .	2,088 00
Watertown, .	One thousand seven hundred nineteen dol- lars,	1,719 00
Wayland, .	Three hundred eighty-seven dollars, . .	387 00
W. Cambridge,	One thousand two hundred thirty-nine dol- lars and fifty cents,	1,239 50
Westford, .	Six hundred twenty-one dollars, . .	621 00
Weston, .	Five hundred forty dollars,	540 00
Wilmington, .	Three hundred nineteen dollars and fifty cents,	319 50
Winchester, .	Five hundred thirteen dollars,	513 00
Woburn, .	One thousand five hundred seven dollars and fifty cents,	1,507 50
		<hr/> \$63,940 50

WORCESTER COUNTY.

Ashburnham, .	Five hundred sixty-two dollars and fifty cents,	\$562 50
Athol, . .	Five hundred forty-nine dollars, . . .	549 00
Auburn, .	Three hundred twenty-four dollars, . .	324 00
Barre, . .	One thousand one hundred eleven dollars and fifty cents,	1,111 50
Berlin, . .	Two hundred twenty-nine dollars and fifty cents,	229 50
Blackstone,	One thousand four hundred four dollars, .	1,404 00
Bolton, . .	Four hundred eighteen dollars and fifty cents,	418 50
Boylston,	Three hundred fifty-one dollars, . . .	351 00
Brookfield,	Five hundred twenty-two dollars, . . .	522 00
Charlton, .	Seven hundred forty-seven dollars, . .	747 00
Clinton, .	Seven hundred thirty-eight dollars, . .	738 00

WORCESTER—CONTINUED.

Dana, . . .	One hundred eighty-nine dollars, . . .	\$189 00
Douglas, . . .	Five hundred sixty-seven dollars, . . .	567 00
Dudley, . . .	Five hundred thirteen dollars, . . .	513 00
Fitchburg, . . .	One thousand six hundred forty-two dollars and fifty cents, . . .	1,642 50
Gardner, . . .	Four hundred sixty-three dollars and fifty cents, . . .	463 50
Grafton, . . .	One thousand one hundred twenty dollars and fifty cents, . . .	1,120 50
Hardwick, . . .	Six hundred thirty-nine dollars, . . .	639 00
Harvard, . . .	Five hundred ninety-four dollars, . . .	594 00
Holden, . . .	Six hundred twenty-five dollars and fifty cents, . . .	625 50
Hubbardston, . . .	Five hundred thirty-one dollars, . . .	531 00
Lancaster, . . .	Five hundred thirty-one dollars, . . .	531 00
Leicester, . . .	Nine hundred forty dollars and fifty cents, . . .	940 50
Leominster, . . .	One thousand seventeen dollars, . . .	1,017 00
Lunenburg, . . .	Four hundred ninety-five dollars, . . .	495 00
Mendon, . . .	Five hundred twenty-six dollars and fifty cents, . . .	526 50
Milford, . . .	One thousand ninety-three dollars and fifty cents, . . .	1,093 50
Millbury, . . .	Eight hundred twenty-three dollars and fifty cents, . . .	823 50
New Braintree, . . .	Four hundred nine dollars and fifty cents, . . .	409 50
N. Brookfield, . . .	Five hundred fifty-three dollars and fifty cents, . . .	553 50
Northborough, . . .	Five hundred four dollars, . . .	504 00
Northbridge, . . .	Five hundred forty-nine dollars, . . .	549 00
Oakham, . . .	Three hundred thirty-seven dollars and fifty cents, . . .	337 50
Oxford, . . .	Seven hundred seventy-eight dollars and fifty cents, . . .	778 50
Paxton, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Petersham, . . .	Six hundred sixteen dollars and fifty cents, . . .	616 50
Phillipston, . . .	Two hundred ninety-seven dollars, . . .	297 00
Princeton, . . .	Four hundred eighty-six dollars, . . .	486 00

WORCESTER—CONTINUED.

Royalston, .	Five hundred ninety-four dollars, . . .	\$594 00
Rutland, .	Four hundred fourteen dollars, . . .	414 00
Shrewsbury, .	Six hundred thirty dollars, . . .	630 00
Southborough, .	Four hundred eighty-one dollars and fifty cents, . . .	481 50
Southbridge, .	Nine hundred dollars, . . .	900 00
Spencer, .	Six hundred eighty-four dollars, . . .	684 00
Sterling, .	Six hundred thirty dollars, . . .	630 00
Sturbridge, .	Six hundred seventy-five dollars, . . .	675 00
Sutton, .	Seven hundred ninety-two dollars, . . .	792 00
Templeton, .	Seven hundred eleven dollars, . . .	711 00
Upton, .	Five hundred seventeen dollars and fifty cents, . . .	517 50
Uxbridge, .	Eight hundred ninety-one dollars, . . .	891 00
Warren, .	Five hundred forty-nine dollars, . . .	549 00
Webster, .	Six hundred fifty-seven dollars, . . .	657 00
W. Boylston, .	Four hundred forty-five dollars and fifty cents, . . .	445 50
W. Brookfield, .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Westborough, .	Six hundred thirty dollars, . . .	630 00
Westminster, .	Six hundred three dollars, . . .	603 00
Winchendon, .	Seven hundred sixty dollars and fifty cents, . . .	760 50
Worcester, .	Eight thousand four hundred six dollars, . . .	8,406 00
		<hr/> \$44,446 50

HAMPSHIRE COUNTY.

Amherst, .	Nine hundred thirty-one dollars and fifty cents, . . .	\$931 50
Belchertown, .	Six hundred ninety-seven dollars and fifty cents, . . .	697 50
Chesterfield, .	Three hundred ten dollars and fifty cents, . . .	310 50
Cumington, .	Three hundred fifteen dollars, . . .	315 00

HAMPSHIRE—CONTINUED.

Easthampton, .	Three hundred forty-two dollars, . . .	\$342 00
Enfield, . .	Three hundred fifty-five dollars and fifty cents, . . .	355 50
Goshen, . .	One hundred forty-eight dollars and fifty cents, . . .	148 50
Granby, . .	Three hundred nineteen dollars and fifty cents, . . .	319 50
Greenwich, .	One hundred ninety-eight dollars, . . .	198 00
Hadley, . .	Seven hundred eleven dollars, . . .	711 00
Hatfield, . .	Five hundred thirty-five dollars and fifty cents, . . .	535 50
Middlefield, .	Two hundred forty-three dollars, . . .	243 00
Northampton, .	One thousand nine hundred seventy-one dollars, . . .	1,971 00
Norwich, . .	Two hundred two dollars and fifty cents, . . .	202 50
Pelham, . .	One hundred ninety-three dollars and fifty cents, . . .	193 50
Plainfield, .	Two hundred thirty-four dollars, . . .	234 00
Prescott, . .	Two hundred two dollars and fifty cents, . . .	202 50
South Hadley, .	Five hundred sixty-nine dollars, . . .	569 00
Southampton, .	Three hundred nineteen dollars and fifty cents, . . .	319 50
Ware, . . .	Nine hundred thirty-six dollars, . . .	936 00
Westhampton, .	One hundred eighty-four dollars and fifty cents, . . .	184 50
Williamsburg, .	Five hundred twenty-two dollars, . . .	522 00
Worthington, .	Three hundred fifty-five dollars and fifty cents, . . .	355 50
		<hr/> \$10,795 50

HAMPDEN COUNTY.

Blandford, .	Four hundred thirty-two dollars, . . .	\$432 00
Brimfield, .	Five hundred thirty-one dollars, . . .	531 00
Chester, . .	Three hundred sixty-nine dollars, . . .	369 00
Chicopee, . .	Two thousand seven hundred four dollars and fifty cents, . . .	2,704 50

HAMPDEN—CONTINUED.

Granville, .	Three hundred twenty-eight dollars and fifty cents,	\$328 50
Holland, .	One hundred seventeen dollars,	117 00
Holyoke, .	One thousand four hundred forty-nine dollars,	1,449 00
Longmeadow, .	Six hundred thirty-four dollars and fifty cents,	634 50
Ludlow, .	Three hundred sixty-nine dollars,	369 00
Monson, .	Seven hundred forty-two dollars and fifty cents,	742 50
Montgomery, .	One hundred thirty dollars and fifty cents,	130 50
Palmer, .	Nine hundred ninety-nine dollars,	999 00
Russell, .	One hundred forty-four dollars,	144 00
Southwick, .	Four hundred eighteen dollars and fifty cents,	418 50
Springfield, .	Four thousand nine hundred ninety dollars and fifty cents,	4,990 50
Tolland, .	One hundred sixty-six dollars and fifty cents,	166 50
Wales, .	One hundred eighty dollars,	180 00
W. Springfield, .	One thousand two hundred sixty dollars,	1,260 00
Westfield, .	One thousand two hundred seventy-three dollars and fifty cents,	1,273 50
Wilbraham, .	Seven hundred twenty dollars,	720 00
		<hr/> \$17,959 50

FRANKLIN COUNTY.

Ashfield, .	Four hundred thirty-two dollars,	\$432 00
Bernardston, .	Three hundred one dollars and fifty cents,	301 50
Buckland, .	Two hundred eleven dollars and fifty cents,	211 50
Charlemont, .	Three hundred six dollars,	306 00
Coleraine, .	Five hundred twenty-two dollars,	522 00
Conway, .	Five hundred fifty-three dollars and fifty cents,	553 50
Deerfield, .	Eight hundred fourteen dollars and fifty cents,	814 50

FRANKLIN—CONTINUED.

Erving, . . .	One hundred thirty-five dollars, . . .	\$135 00
Gill, . . .	Two hundred twenty-nine dollars and fifty cents, . . .	229 50
Greenfield, . . .	Eight hundred fifty-five dollars, . . .	855 00
Hawley, . . .	Two hundred twenty-nine dollars and fifty cents, . . .	229 50
Heath, . . .	Two hundred sixteen dollars, . . .	216 00
Leverett, . . .	Two hundred twenty-nine dollars and fifty cents, . . .	229 50
Leyden, . . .	One hundred sixty-six dollars and fifty cents, . . .	166 50
Monroe, . . .	Fifty-four dollars, . . .	54 00
Montague, . . .	Three hundred seventy-eight dollars, . . .	378 00
New Salem, . . .	Three hundred forty-two dollars, . . .	342 00
Northfield, . . .	Five hundred eighty-five dollars, . . .	585 00
Orange, . . .	Five hundred fifty-three dollars and fifty cents, . . .	553 50
Rowe, . . .	One hundred eighty dollars, . . .	180 00
Shelburne, . . .	Three hundred seventy-eight dollars, . . .	378 00
Shutesbury, . . .	Two hundred eleven dollars and fifty cents, . . .	211 50
Sunderland, . . .	Two hundred fifty-six dollars and fifty cents, . . .	256 50
Warwick, . . .	Three hundred sixty dollars, . . .	360 00
Wendell, . . .	Three hundred fifteen dollars, . . .	315 00
Whately, . . .	Three hundred sixty dollars, . . .	360 00
		<hr/> \$9,175 50

BERKSHIRE COUNTY.

Adams, . . .	One thousand four hundred fifty-three dollars and fifty cents, . . .	\$1,453 50
Alford, . . .	One hundred seventy-five dollars and fifty cents, . . .	175 50
Becket, . . .	Two hundred eighty-three dollars and fifty cents, . . .	283 50
Cheshire, . . .	Four hundred twenty-three dollars, . . .	423 00

BERKSHIRE—CONTINUED.

Clarksburg, .	Eighty-one dollars,	\$81 00
Dalton, . .	Three hundred fifty-five dollars and fifty cents,	355 50
Egremont, .	Three hundred sixty-four dollars and fifty cents,	364 50
Florida, . .	One hundred twenty-six dollars,	126 00
Gt. Barrington, .	One thousand thirty-five dollars,	1,035 00
Hancock, . .	Two hundred seventy-nine dollars,	279 00
Hinsdale, . .	Three hundred thirty-three dollars,	333 00
Lanesborough, .	Four hundred nine dollars and fifty cents,	409 50
Lee,	Eight hundred nineteen dollars,	819 00
Lenox, . . .	Four hundred twenty-seven dollars and fifty cents,	427 50
Monterey, . .	One hundred eighty-nine dollars,	189 00
Mt. Washington	Eighty-one dollars,	81 00
New Ashford, .	Seventy-six dollars and fifty cents,	76 50
New Marlboro', .	Four hundred thirty-six dollars and fifty cents,	436 50
Otis,	Two hundred eighty-three dollars and fifty cents,	283 50
Peru,	One hundred sixty-two dollars,	162 00
Pittsfield, . .	Two thousand eighty-eight dollars,	2,088 00
Richmond, . .	Two hundred ninety-seven dollars,	297 00
Sandisfield, . .	Four hundred dollars and fifty cents,	400 50
Savoy,	One hundred seventy-one dollars,	171 00
Sheffield, . .	Eight hundred seventy-seven dollars and fifty cents,	877 50
Stockbridge, . .	Five hundred eighty dollars and fifty cents,	580 50
Tyringham, . .	Two hundred two dollars and fifty cents,	202 50
Washington, . .	Two hundred two dollars and fifty cents,	202 50
W. Stockbridge, .	Four hundred sixty-three dollars and fifty cents,	463 50
Williamstown, .	Seven hundred seventy-four dollars,	774 00
Windsor, . . .	Two hundred fifty-two dollars,	252 00
		<hr/> \$14,103 00

NORFOLK COUNTY.

Bellingham, .	Four hundred fourteen dollars, . . .	\$414 00
Braintree, .	Eight hundred fifty-nine dollars and fifty cents, . . .	859 50
Brookline, .	Three thousand seven hundred thirty-nine dollars and fifty cents, . . .	3,739 50
Canton, .	One thousand forty-eight dollars and fifty cents, . . .	1,048 50
Cohasset, .	Five hundred eighty-nine dollars and fifty cents, . . .	589 50
Dedham, .	Two thousand two hundred fifty-four dollars and fifty cents, . . .	2,254 50
Dorchester, .	Four thousand nine hundred twenty-seven dollars and fifty cents, . . .	4,927 50
Dover, .	Two hundred thirty-eight dollars and fifty cents, . . .	238 50
Foxborough, .	Five hundred thirty-one dollars, . . .	531 00
Franklin, .	Five hundred twenty-two dollars, . . .	522 00
Medfield, .	Three hundred sixty dollars, . . .	360 00
Medway, .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Milton, .	One thousand two hundred seventy-three dollars and fifty cents, . . .	1,273 50
Needham, .	Six hundred fifty-two dollars and fifty cents, . . .	652 50
Quincy, .	One thousand six hundred eighty-three dollars, . . .	1,683 00
Randolph, .	One thousand four hundred four dollars, . . .	1,404 00
Roxbury, .	Nine thousand nine hundred eighteen dollars, . . .	9,918 00
Sharon, .	Four hundred thirty-six dollars and fifty cents, . . .	436 50
Stoughton, .	Nine hundred thirty-six dollars, . . .	936 00
Walpole, .	Six hundred thirty-four dollars and fifty cents, . . .	634 50
Weymouth, .	One thousand four hundred eight dollars and fifty cents, . . .	1,408 50
Wrentham, .	Nine hundred dollars, . . .	900 00
		<hr/> \$35,473 50

BRISTOL COUNTY.

Attleborough, .	Nine hundred eighteen dollars, . . .	\$918 00
Berkley, .	Two hundred twenty-five dollars, . . .	225 00

BRISTOL—CONTINUED.

Dartmouth, .	One thousand seven hundred thirty-two dollars and fifty cents,	\$1,732 50
Dighton, .	Four hundred thirty-two dollars,	432 00
Easton, .	Six hundred three dollars,	603 00
Fairhaven, .	Two thousand three hundred seventy-six dollars,	2,376 00
Fall River, .	Four thousand six hundred seventy-five dollars and fifty cents,	4,675 50
Freetown, .	Four hundred fifty-four dollars and fifty cents,	454 50
Mansfield, .	Three hundred fifty-one dollars,	351 00
New Bedford, .	Ten thousand four hundred seventeen dollars and fifty cents,	10,417 50
Norton, .	Five hundred seventy-six dollars,	576 00
Pawtucket	Eight hundred five dollars and fifty cents,	805 50
Raynham, .	Four hundred fourteen dollars,	414 00
Rehoboth, .	Five hundred seventy-one dollars and fifty cents,	571 50
Seekonk, .	Five hundred seventy-one dollars and fifty cents,	571 50
Somerset, .	Three hundred sixty-nine dollars,	369 00
Swansey, .	Four hundred twenty-seven dollars and fifty cents,	427 50
Taunton, .	Three thousand nineteen dollars and fifty cents,	3,019 50
Westport, .	One thousand one hundred twenty-five dollars,	1,125 00
		<hr/> \$30,064 50

PLYMOUTH COUNTY.

Abington, .	One thousand three hundred dollars and fifty cents,	\$1,300 50
Bridgewater, .	Nine hundred sixty-seven dollars and fifty cents,	967 50
Carver, .	Two hundred ninety-two dollars and fifty cents,	292 50
Duxbury, .	Eight hundred sixty-eight dollars and fifty cents,	868 50
E. Bridgewater,	Six hundred eighty-four dollars,	684 00
Halifax, .	Two hundred sixteen dollars,	216 00

PLYMOUTH—CONTINUED.

Hanover, . . .	Four hundred fifty dollars, . . .	\$450 00
Hanson, . . .	Three hundred fifteen dollars, . . .	315 00
Hingham, . . .	One thousand two hundred ninety-one dol- lars and fifty cents, . . .	1,291 50
Hull, . . .	Ninety dollars, . . .	90 00
Kingston, . . .	Six hundred sixty-one dollars and fifty cents,	661 50
Marshfield, . . .	Five hundred twenty-six dollars and fifty cents, . . .	526 50
Middleborough, . . .	One thousand three hundred fifty-four dol- lars and fifty cents, . . .	1,354 50
N. Bridgewater, . . .	Nine hundred thirty-one dollars and fifty cents, . . .	931 50
Pembroke, . . .	Three hundred sixty-nine dollars, . . .	369 00
Plymouth, . . .	One thousand nine hundred sixty-six dol- lars and fifty cents, . . .	1,966 50
Plympton, . . .	Two hundred seventy-four dollars and fifty cents, . . .	274 50
Rochester, . . .	Nine hundred ninety-four dollars and fifty cents, . . .	994 50
Scituate, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
S. Scituate, . . .	Five hundred ninety-four dollars, . . .	594 00
Wareham, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
W. Bridgewater, . . .	Four hundred eighteen dollars and fifty cents, . . .	418 50
		<hr/> \$15,916 50

BARNSTABLE COUNTY.

Barnstable, . . .	One thousand two hundred sixty-nine dol- lars, . . .	\$1,269 00
Brewster, . . .	Two hundred ninety-seven dollars, . . .	297 00
Chatham, . . .	Four hundred forty-five dollars and fifty cents, . . .	445 50
Dennis, . . .	Six hundred ninety-three dollars, . . .	693 00
Eastham, . . .	One hundred seventy-one dollars, . . .	171 00
Falmouth, . . .	Seven hundred sixty-nine dollars and fifty cents, . . .	769 50
Harwich, . . .	Five hundred eight dollars and fifty cents,	508 50

BARNSTABLE—CONTINUED.

Orleans, . .	Three hundred six dollars, . . .	\$306 00
Provincetown, .	Eight hundred thirty-seven dollars, . .	837 00
Sandwich, . .	One thousand one hundred seven dollars, .	1,107 00
Truro, . . .	Three hundred fifty-five dollars and fifty cents, . . .	355 50
Wellfleet, . .	Three hundred nineteen dollars and fifty cents, . . .	319 50
Yarmouth, . .	Six hundred twenty-one dollars, . . .	621 00
		<hr/> \$7,699 50

DUKES COUNTY.

Chilmark, . .	Three hundred fifty-five dollars and fifty cents, . . .	\$355 50
Edgartown, . .	Five hundred fifty-three dollars and fifty cents, . . .	553 50
Tisbury, . . .	Four hundred seventy-two dollars and fifty cents, . . .	472 50
		<hr/> \$1,381 50

NANTUCKET COUNTY.

Nantucket, . .	Three thousand four hundred eighty-seven dollars and fifty cents, . . .	\$3,487 50
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RECAPITULATION.

Suffolk County, .	One hundred fifty-one thousand two hundred sixty-three dollars, . . .	\$151,263 00
Essex County, .	Forty-four thousand two hundred eighty dollars, . . .	44,280 00
Middlesex County,	Sixty-three thousand nine hundred forty dollars and fifty cents, . . .	63,940 50
Worcester County,	Forty-four thousand four hundred forty-six dollars and fifty cents, . . .	44,446 50
Hampshire County,	Ten thousand seven hundred ninety-five dollars and fifty cents, . . .	10,795 50
Hampden County,	Seventeen thousand nine hundred fifty-nine dollars and fifty cents, . . .	17,959 50
Franklin County,	Nine thousand one hundred seventy-five dollars and fifty cents, . . .	9,175 50
Berkshire County,	Fourteen thousand one hundred three dollars, . . .	14,103 00
Norfolk County, .	Thirty-five thousand four hundred seventy-three dollars and fifty cents, . . .	35,473 50
Bristol County, .	Thirty thousand sixty-four dollars and fifty cents, . . .	30,064 50
Plymouth County,	Fifteen thousand nine hundred sixteen dollars and fifty cents, . . .	15,916 50
Barnstable County,	Seven thousand six hundred ninety-nine dollars and fifty cents, . . .	7,699 50
Dukes County, .	One thousand three hundred eighty-one dollars and fifty cents, . . .	1,381 50
Nantucket County,	Three thousand four hundred eighty-seven dollars and fifty cents, . . .	3,487 50
Total, . . .	Four hundred forty-nine thousand nine hundred eighty-six dollars and fifty cents,	\$449,986 50

SECT. 2. The treasurer of this Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them, respectively, in each city or town.

Treasurer to issue warrants to selectmen, etc.

SECT. 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, one thousand eight hundred and fifty-five, the sums against said

Treasurer to require payment on or before December 1, 1855.

Selectmen to re-
turn names of
treasurers, etc.

cities or towns, respectively, in this act contained; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, some time before the first day of October next.

Delinquent
towns to pay one
per ct. per month
additional.

SECT. 4. If the amount due from any city or town as provided in this act shall not have been paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent. per month during such delinquency, dating on and after the first day of December next.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 462 An Act in addition to "An Act to extend the time of the State Loan to the Norwich and Worcester Railroad Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Treasurer may
sell scrip issued
under act of 1854,
ch. 134.

SECT. 1. The treasurer of the Commonwealth is hereby authorized, under the direction of the governor and council, and in concurrence with the treasurer of the Norwich and Worcester Railroad company, to make sale, at any time after the thirtieth day of June next, of the whole or any portion of the scrip or certificates of debt to be issued, under the act of eighteen hundred and fifty-four, chapter one hundred and thirty-four, in the manner and form prescribed in said act: *provided, however*, that the proceeds of such sale can be used, without material loss of interest, to anticipate the payment or purchase of the scrip which this is issued to redeem, on the first day of July, eighteen hundred and fifty-seven, or any obligations of the Commonwealth falling due on or before that date.

Proviso.

Interest on secu-
rities purchased,
how appropriated

SECT. 2. The interest on the securities purchased as above provided, shall be held for the payment of interest on the scrip sold, until the first day of July, eighteen hundred and fifty-seven, after which the same is to be paid by the Norwich and Worcester Railroad Company, as provided in the act of eighteen hundred and fifty-four, above referred to. [*Approved by the Governor, May 21, 1855.*]

An Act to establish a Police Court in the Town of Chicopee.

Chap. 463

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A police court is hereby established in the town Court established of Chicopee, to consist of one competent and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

SECT. 2. The said court shall have original and exclusive Jurisdiction. jurisdiction over all crimes, offences and misdemeanors committed within said town of Chicopee, whereof justices of the peace have now, or may have, jurisdiction; also of all suits and actions which may now, or at any time hereafter, be heard, tried and determined before any justice of the peace in the county of Hampden, whenever all the parties shall reside in Chicopee, and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction, with justices of the peace in the county of Hampden, over all crimes, offences and misdemeanors, whereof justices of the peace within the county of Hampden now have, or may have, jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Hampden.

SECT. 3. An appeal shall be allowed from all judgments Appeal allowed. of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of the said police court shall not be counsel to any party in any cause which may be pending in said court.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of, the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner and under the same penalties as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received, shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace. Fines, forfeitures, etc., how accounted for.

SECT. 5. The justice of said court shall retain to his own Salary of justice. use all fees by him received or which now accrue to justices of the peace in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain for Proviso. his services, in criminal prosecutions, a sum exceeding three

hundred dollars annually, but shall pay over to the county treasurer all fees received by him in criminal prosecutions over and above that sum.

Court, when and where to be held.

SECT. 6. A court shall be held by said justice at some suitable places in said town of Chicopee, to be provided at the expense of said town, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on two several days in each week, to be appointed and made known by said justice, for the trial of civil suits and actions, provided that one of each of the aforesaid courts shall be holden in the village of Chicopee Falls. The justice of said court may adjourn said court as justices of the peace may now adjourn the same hearings or trials, and he shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Justice to keep record and make return.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of said town of Chicopee a true and faithful statement of money actually received by him as fees, and all charges and fees which are outstanding and claimed to be due to him at the date of such exhibit.

One special justice.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice until such disability be removed. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services.

Pending actions, how disposed of.

SECT. 9. All suits, actions and prosecutions which shall be pending, within the said town of Chicopee, before any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Justices, when appointed.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justices, at any time after receiving notice of

the adoption of this act by the town of Chicopee, as hereinafter provided.

SECT. 11. This act shall be void unless the inhabitants of the town of Chicopee, at a legal meeting of said town, called for that purpose, shall, by a written vote, determine to adopt the same within sixty days from the passage of this act; and it shall be the duty of the selectmen and town clerk of the town of Chicopee to certify that fact to his excellency the governor, if the town should so vote to accept this act. *[Approved by the Governor, May 21, 1855.]*

Act void, unless, etc.

An Act relative to Lunatics or Insane Persons.

Chap. 464

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever application is made to any police court for the confinement of any lunatic or insane person, not furiously mad, said court may dispense with the presence of said lunatic or insane person, on representation that it would have an injurious effect on said lunatic or insane person to appear in open court during the examination.

Lunatics not required to be present at examination.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, May 21, 1855.]*

An Act for incorporation of the Trustees of the Plummer Farm School of Reform for Boys. *Chap. 465*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That Daniel A. White, Stephen C. Phillips, William I. Bowditch, Joseph Andrews, William D. Waters, David Nichols, George Andrews, James Kimball, Eleazer Austin, William Chase, and their successors, are hereby made a corporation, for the purpose of establishing and conducting, for the city of Salem in the county of Essex, a school for the instruction, employment and reformation of juvenile offenders, to be called the Plummer Farm School of Reform for Boys.

Corporators.

Purpose.

SECT. 2. Be it further enacted, that the government of said school shall be vested in said board of ten trustees, and their successors thereafter, to be chosen by the mayor and aldermen of the city of Salem, as hereinafter provided.

Government vested in board of ten trustees.

SECT. 3. Be it further enacted, that the said trustees shall have the charge of the general interests of the school,

Trustees to have charge of general interests of the school.

shall provide employment for the inmates, and bind them out, discharge or remand them in such manner as they may deem beneficial; they shall also appoint a treasurer, superintendent, and such other officers as in their judgment may be necessary for conducting, efficiently and economically, the business of the institution; and all appointments made by them shall be made in such manner, and with such restrictions, and for such terms of time as the by-laws may prescribe; the trustees shall also establish by-laws and regulations for the internal government and economy of the institution.

By-laws.

Court may sentence boys under 16, convicted of offence, etc.

SECT. 4. Be it further enacted, when any boy residing in the city of Salem, under the age of sixteen years, shall be convicted of any offence known to the laws of this Commonwealth, and punishable by imprisonment, the court before whom such conviction shall be had, may, at their discretion, sentence such boy to the said school or to such punishment as is now provided by law for such offence. And all commitments of boys to this institution shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees.

Police court may sentence minors under 16 years of age, leading dissolute lives, etc.

SECT. 5. Be it further enacted, that the police court of the city of Salem, upon the complaint, under oath, of the mayor of said city, or of any of the trustees, that any minor under the age of sixteen years lives an idle and dissolute life, and that his parents are dead, or if living, do neglect to provide suitable employment, or to exercise salutary control over such minor, shall have power, upon conviction thereof, to sentence such minor to said school, to be there kept and governed according to law: *provided*, that nothing herein is to be construed to take away the right of appeal, in the cases aforesaid, from the police court to the court of common pleas.

Proviso.

Authority of trustees to bind out.

SECT. 6. Be it further enacted, that the trustees shall have authority to bind out, in respectable and suitable families, or to reputable trades or occupations, all boys committed to their charge, in the same manner as if such binding or apprenticing were made by overseers of the poor.

Treasurer to give bond.

SECT. 7. Be it further enacted, that the treasurer shall give bond, with sufficient sureties, to the satisfaction of the board of trustees, for the faithful performance of the duties of his office.

Trustees to hold property, etc., for general use of the school.

SECT. 8. Be it further enacted, that all the moneys, lands, or other property already devised or subscribed, or which may be hereafter given, assigned or transferred to the said

trustees for the use of said institution, shall be received and held by them and their successors in office, in trust, to be applied to the maintenance and general use of the school.

SECT. 9. Be it further enacted, that when five years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed annually, and for this purpose the board of trustees may determine, by lot or otherwise, the two members whose places shall be thereafter annually vacated.

Appointment and tenure of office of trustees.

SECT. 10. Be it further enacted, that no trustee shall receive any compensation for his services, but he shall be allowed the amount of expense incurred by him in the discharge of the duties of his office.

No compensation, etc.

SECT. 11. Be it further enacted, that any vacancy occurring in the board of trustees shall be filled by the mayor and aldermen of the city of Salem. [*Approved by the Governor, May 21, 1855.*]

Vacancies, how filled.

An Act in addition to "An Act to require certain Corporations to make Returns to Assessors."

Chap. 466

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The three hundred and eighth chapter of the acts passed in the year one thousand eight hundred and fifty, entitled "An Act to require certain Corporations to make Returns to Assessors," is hereby so amended that the provisions thereof shall apply to any mutual insurance company in this Commonwealth, which is now or which may be hereafter authorized by law to issue capital stock, and the clause therein contained, which is inconsistent with this act, is hereby repealed.

Mutual insurance companies to make returns to assessors.

SECT. 2. The act approved April twenty-first, in the year one thousand eight hundred and fifty-five, entitled "An Act in addition to an Act for the more equal Assessment of Taxes," is hereby repealed.

Act repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 467 An Act to obtain Statistical Information relating to certain Branches of Industry.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Assessors to collect and return into office of secretary of the commonwealth, information relating to certain branches of industry.

SECT. 1. The assessors of each city or town in the Commonwealth shall, between the first day of June and the first day of October next, make return to the secretary of the Commonwealth, of the facts as they exist, in each city or town, on the first day of June next, in relation to the following matter, to wit:—

The number of cotton mills in the town; the whole number of cotton spindles; the quantity of cotton consumed during the year ending on the first day of June, one thousand eight hundred and fifty-five. The number of yards of cotton cloth manufactured during said year, with a description of the same; gross value of the same. The number of pounds of cotton yarn manufactured and not made into cloth; gross value of same. Quantity of cotton thread manufactured; value of cotton thread. Quantity of cotton batting manufactured; value of cotton batting. Quantity of pelisse wadding manufactured; value of pelisse wadding. Number of yards of cotton flannel manufactured; value of cotton flannel. The amount of capital invested in the manufacture of cotton. The number of males employed in said business. Number of females employed in same. The number of calico manufactories. Number of yards of calico printed during the year as aforesaid; gross value of calico printed. Number of yards of goods bleached and colored in said calico factories and not printed; value of the goods bleached and colored. The amount of capital invested in calico establishments. Number of males employed in said business. Number of females in same. The number of establishments for bleaching or coloring cotton goods and not connected with calico establishments; number of yards of goods bleached or colored in said establishments during said year; value of goods bleached or colored; amount of capital invested in said bleaching and coloring establishments. Number of hands employed in same.

The number of woollen mills; number of sets of woollen machinery; number of pounds of wool consumed during said year. Number of yards of broadcloth manufactured; value of the broadcloth manufactured.

Number of yards of cassimere manufactured; value of cassimere. Number of yards of satinnet; value of satinnet.

Number of yards of Kentucky jeans; value of Kentucky jeans. Number of yards of flannel or blanketing; value of flannel or blanketing; number of pounds of woollen yarn manufactured and not made into cloth; value of woollen yarn; the amount of capital invested in said business. Number of males employed in the manufacture of wool; number of females in same.

The number of mills for the manufacture of carpeting; number of pounds of wool consumed in the manufacture of carpeting; number of yards of carpeting manufactured; value of carpeting manufactured; amount of capital invested in said business. Number of males employed in the manufacture of carpeting; number of females employed in same.

The number of establishments for the manufacture of worsted goods or goods of which worsted is a component part; number of yards of such goods manufactured during said year; value of the same; number of pounds of worsted yarn manufactured and not made into cloth; value of worsted yarn; amount of capital invested in the manufacture of worsted. Number of males employed in said business; number of females employed in same.

The number of establishments for the manufacture of hosiery; quantity and description of hosiery manufactured; value of hosiery manufactured; number of pounds of yarn manufactured and not made into hosiery; value of yarn manufactured; amount of capital invested in said business. Number of males employed in same; number of females.

The number of establishments for the manufacture of linen; number of yards of linen manufactured; value of same; quantity of linen thread manufactured; value of linen thread; amount of capital invested in said business. Number of males employed in same; number of females in same.

The number of silk manufactories; number of yards of silk manufactured during said year; value of same; number of pounds of sewing silk manufactured; value of sewing silk; amount of capital invested in said business. Number of males employed in same; number of females employed in same.

The number of rolling, slitting and nail mills; quantity of iron manufactured by said rolling mills and not made into nails; value of iron thus manufactured; number of machines for manufacture of nails; quantity of nails manufactured during said year; value of nails manufactured; amount of

capital invested in rolling, slitting and nail mills; number of hands employed in said business.

The number of forges; number of tons of bar iron, anchors, chain cables, and other articles of wrought iron manufactured by said forges during said year; value of said bar iron, chain cables, anchors and other articles; amount of capital invested; number of hands employed; the number of furnaces for the manufacture of pig iron; number of tons of pig iron manufactured; value of the pig iron; amount of capital invested in said business; number of hands employed in same.

The number of furnaces for the manufacture of hollow ware and castings other than pig iron; number of tons of hollow ware and other castings manufactured; value of hollow ware and castings; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of cotton, woollen, and other machinery; gross value of machinery manufactured during said year; amount invested in said business; number of hands employed in same.

The number of establishments for the manufacture of steam engines and boilers; value of steam engines and boilers manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of shops for the manufacture of fire engines; number of fire engines manufactured during said year; value of fire engines manufactured; number of hands employed in said business.

The number of scythe manufactories; number of scythes manufactured during said year; value of scythes manufactured; amount invested in said business; number of hands employed in same.

The number of axe manufactories; the number of axes, hatchets and other edge tools manufactured during said year; value of the same manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of cutlery; value of cutlery manufactured; amount of capital invested in said business; number of hands employed in same.

The number of screw manufactories; number of gross of screws manufactured during said year; value of screws manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of butts or hinges; number of dozen of iron butts or hinges manufactured; number of dozen of brass or composition butts or hinges manufactured; value of brass or composition butts or hinges; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of latches and door handles; number of dozen of door handles and latches manufactured during said year; value of door handles and latches; amount of capital invested in said business; number of hands employed in same.

The number of lock manufactories; number of locks manufactured during said year; value of locks manufactured; amount of capital invested in said business; number of hands employed in same.

The number of tack and brad manufactories; quantity of tacks and brads manufactured; value of tacks and brads; amount of capital invested in said business; number of hands employed in same.

The number of manufactories of shovels, spades, forks and hoes; value of spades, shovels, forks and hoes manufactured; amount of capital invested in said business; number of hands employed in same.

The number of plough manufactories; number of ploughs and other agricultural tools manufactured during said year; value of the same; amount of capital invested in said business; number of hands employed in same.

The number of shops for the manufacture of iron railing, iron fences and iron safes; value of iron railing, iron fences and iron safes manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of copper manufactories; quantity of copper manufactured during said year; value of the same; amount of capital invested in said business; number of hands employed in same.

The number of brass foundries; value of articles manufactured in said foundries during said year; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of britannia ware; value of britannia ware manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of metal button manufactories; number of

gross of metal buttons manufactured during said year; value of metal buttons manufactured; amount of capital invested in said business; number of hands employed in same.

The number of glass manufactories; quantity of window glass manufactured during said year; value of window glass; value of other glass manufactured; amount of capital invested in said business; number of hands employed in same.

The number of starch manufactories; quantity of starch manufactured from wheat or flour during said year; quantity of starch manufactured from potatoes; value of all starch manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of chemical preparations; value of chemical preparations manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of paper manufactories; quantity of stock made use of during said year; quantity of paper manufactured; value of paper manufactured; amount of capital invested in said business; number of hands employed in same.

The number of piano-forte manufactories; number of piano-fortes manufactured during said year; amount of capital invested in said business; the number of all other musical instrument manufactories; value of musical instruments manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of clock manufactories; number of clocks manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of sewing machine manufactories; the number of sewing machines manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of daguerreotype artists; number of daguerreotypes taken during said year; amount of capital invested in said business; number of hands employed in same.

The number of pin manufactories; quantity of pins manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of chronometers, watches, gold and silver ware, and jewelry; value of the manufactures of said establishments; amount of

capital invested in said business; number of hands employed in same.

The number of brush manufactories; value of brushes manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of saddle, harness and trunk manufactories; value of saddles, harnesses and trunks manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of upholstery manufactories; value of upholstery manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of hat and cap manufactories; number of hats and caps manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of cordage manufactories; quantity of cordage manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of vessels launched during said year; amount of tonnage of said vessels; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of boats; number of boats built during said year; amount of capital invested in said business; number of hands employed in same.

The number of mast and spar sheds; number of masts and spars manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of sail lofts; the number of sails made during said year of American fabric; number of foreign fabric; value of sails manufactured of American fabric; value of sails manufactured of foreign fabric; amount of capital invested in said business; number of hands employed in same.

The number of card manufactories; value of cards, of all kinds, manufactured during said year; capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of salt; number of bushels of salt manufactured during said year; value of salt manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of

railroad cars, coaches, chaises, wagons, sleighs, and other vehicles; value of railroad cars, coaches, chaises, wagons, sleighs, and other vehicles manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of lead manufactories; value of manufactures of lead during said year; amount of capital invested in said business; number of hands employed in same.

The number of sugar refineries; quantity of sugar refined during said year; value of sugar refined; number of hands employed in same.

The number of establishments for the manufacture of oil and sperm candles; number of gallons of oil; value of oil manufactured; number of pounds of sperm candles manufactured during said year; value of sperm candles manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of soap and tallow candles; quantity of soap manufactured during said year; value of soap manufactured; number of pounds of tallow candles manufactured during said year; value of tallow candles manufactured; amount of capital invested in said business; number of hands employed.

The number of powder mills; quantity of powder manufactured during said year; value of powder manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of fire-arms; number and description of fire-arms manufactured; value of fire-arms manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of cannon: number and description of cannon manufactured; value of cannon; amount of capital invested in said business; number of hands employed in same.

The number of chocolate mills; quantity of chocolate manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of chair and cabinet ware manufactories; value of chairs and cabinet ware manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of tin ware manufactories; value of tin ware manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of comb manufactories; value of combs manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of white lead and other paints; quantity of white lead manufactured; value of white lead manufactured; quantity and description of other paints manufactured; value of other paints; amount of capital invested in said business; number of hands employed in same.

The number of mills for the manufacture of linseed oil; quantity of oil manufactured; value of oil manufactured; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of camphene or burning fluid; number of gallons of camphene manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of glue manufactories and manufactories for the preparation of gums; value of glue and gums manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of establishments for the manufacture of cotton gins; value of cotton gins manufactured during said year; amount of capital invested in said business; number of hands employed in same.

The number of flour mills; number of barrels of flour manufactured during said year; value of flour manufactured; amount of capital invested in said business; number of hands employed in same.

The number of tanneries; number of hides, of all kinds, tanned during said year; value of leather tanned and curried; amount of capital invested in said business; number of hands employed in same.

The number of manufactories of patent and enamelled leather; value of leather manufactured; amount of capital invested in said business; number of hands employed in same.

The number of pairs of boots, of all kinds, manufactured during said year; number of pairs of shoes, of all kinds, manufactured; value of boots and shoes manufactured; number of males employed in the manufacture of boots and shoes; number of females.

The number of establishments for the manufacture of straw bonnets and hats; number of straw bonnets manufactured during said year; number of straw hats; value of

straw braid manufactured and not made into bonnets and hats; value of palm leaf hats; number of males employed in said business; number of females.

The number of bricks manufactured during said year; value of bricks manufactured; number of hands employed in the manufacture of bricks.

Value of mathematical instruments manufactured during said year; number of hands employed in the manufacture of mathematical instruments.

The value of snuff, tobacco and cigars manufactured during said year; number of males employed in said business; number of females.

The gross value of building stone quarried and prepared for building; number of hands employed in quarrying and and preparing building stone.

The gross value of marble quarried and prepared for market during said year; number of hands employed in quarrying and preparing marble.

Number of casks of lime manufactured during said year; number of hands employed in the manufacture of lime; value of lime manufactured.

The gross value of mineral coal and iron ore mined during said year; number of hands employed in mining coal and iron ore.

The gross value of whips manufactured during said year; number of hands employed in the manufacture of whips.

Gross value of blacking manufactured during said year; number of hands employed in the manufacture of the same.

Gross value of blocks and pumps manufactured during said year; number of hands employed in the manufacture of blocks and pumps.

Gross value of mechanics' tools manufactured during said year; number of hands employed in the manufacture of mechanics' tools.

Gross value of all wooden ware not otherwise enumerated in this act, including farming utensils, manufactured during said year; number of hands employed in the manufacture of such wooden ware.

The number of corn and other brooms manufactured during said year; value of brooms manufactured; number of hands employed in the making of brooms.

The number of gold and steel pen manufactories; number of gold pens manufactured during said year; amount of capital invested in the manufacture of gold pens; number of hands employed in same; number of steel pens manufac-

tured during said year; amount of capital invested in said business; number of males employed in same; number of females.

The quantity of lumber prepared for market; value of lumber thus prepared; number of hands employed in said business.

The number of cords of fire wood prepared for market; value of fire wood so prepared; number of hands employed in said business.

The gross value of all other articles manufactured in the town or city during said year, with a description of the same; amount of capital invested in the business; number of hands employed in the same.

The number of vessels employed in the whale fishery; amount of tonnage of vessels employed in the whale fishery; number of gallons of sperm oil imported during the year ending on the first day of January preceding; value of sperm oil imported; number of gallons of whale oil imported during said year; value of whale oil imported; number of pounds of whalebone imported during said year; value of whalebone imported; amount of capital invested in the whale fishery; number of hands employed in the same.

The number of vessels employed in the mackerel and cod fisheries; tonnage of vessels employed in said fisheries; number of barrels of mackerel taken during the year ending on said first day of January preceding; number of quintals of cod fish taken; value of mackerel taken; value of cod fish taken; also, the value of cod liver sold for medicinal purposes; number of bushels of salt consumed in the mackerel and cod fisheries; amount of capital invested in said business; number of hands employed in same.

The number of Saxony sheep of different grades; number of merino sheep of different grades; number of all other kinds of sheep; gross value of all the sheep; the number of pounds of wool produced from Saxony sheep; number of pounds from merino sheep; number of pounds of all other wool produced; gross value of all wool produced in the town during the year.

The number of asses and mules; value of asses and mules; number of horses; value of the horses; number of neat cattle; value of neat cattle; number of swine; value of swine.

The number of bushels of Indian corn or maize raised during the year ending as aforesaid; value of the Indian corn or maize; number of bushels of wheat; value of same; number of bushels of rye; value of same; number of bush-

els of barley; value of same; number of bushels of oats; value of same; number of bushels of potatoes; value of same; quantity of other esculent vegetables; value of same; quantity of millet raised; value of millet; number of tons of hay; value of hay; quantity of hemp raised; value of hemp; number of pounds of flax raised; value of flax.

Number of bushels of fruit of various kinds; value of fruit; number of pounds of hops raised; value of hops; number of pounds of tobacco; value of same; quantity of raw silk raised; value of same; quantity of teazles; value of teazles.

Number of pounds of butter produced during said year; value of butter; number of pounds of cheese; value of cheese; number of pounds of honey; value of honey.

Number of pounds of bees wax; value of bees wax; quantity of shoe pegs manufactured; value of same; number of bushels of charcoal manufactured during the year; value of same.

Secretary to furnish blank forms.

SECT. 2. The secretary of the Commonwealth shall cause to be printed, blank tables, conveniently arranged for the return of the facts aforesaid, with blank columns for the return of facts such as are not enumerated in this act, and shall furnish three copies of the same, together with one copy of this act, to the assessors of each town or city, on or before the first day of June next.

Secretary to print abstract of returns, etc.

SECT. 3. The secretary of the Commonwealth, after he shall have received the returns aforesaid, from the assessors of the several towns, shall cause to be prepared and printed, a true abstract of the same, with each column of figures of such abstract added up for the use of the next legislature, at the next session thereof.

Pay of assessors.

SECT. 4. Each assessor shall receive from the treasury of the Commonwealth, two dollars a day for every day that he shall be employed in making the return aforesaid, and the accounts of assessors, for these services, shall be audited by a committee of the legislature.

Assessors may authorize other persons, etc.

SECT. 5. The assessors of any town may authorize either of their number, or some other suitable person, to collect the information required by this act, to whom the same allowance per day shall be made from the treasury of the Commonwealth, as is provided for the services of the assessors.

Penalty for wilful neglect.

SECT. 6. If the assessors of any town shall wilfully neglect to make the return aforesaid, in the manner aforesaid, such assessors shall forfeit to the Commonwealth a sum not exceeding one hundred dollars.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to set off a part of the Town of Dorchester, and annex the same to the City of Boston. Chap. 468

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that territory of the town of Dorchester, in the county of Norfolk, which lies north-easterly of a line extending from a stake and stones, on the head-land, near the line between the said town of Dorchester and the city of Roxbury, in said county of Norfolk, north fifty-six degrees west, across the easterly side of the Old Colony Railroad, one hundred and forty feet from the centre of a culvert, next south of said line two thousand eight hundred and twenty-three feet, to a stake and stones on the head-land; thence in a straight line to the centre of the channel of Dorchester Bay, which is the dividing line between said Dorchester and the town of Quincy, with all the inhabitants and estates therein, is hereby set off from the town of Dorchester and annexed to the city of Boston, in the county of Suffolk, and shall hereafter be considered and deemed to be a part of the city of Boston: *provided*, that the said territory and the inhabitants thereon, set off, as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed, by said town of Dorchester, not extending beyond the first day of May, eighteen hundred and fifty-six, in the same manner as if this act had not been passed: and *provided, further*, that all paupers who have gained a settlement in said town of Dorchester, by a settlement gained or derived within said territory, shall be relieved or supported by said city of Boston, in the same manner as if they had a legal settlement in said city of Boston.

Part of Dorchester annexed to Boston.

Proviso.

Provided, also.

SECT. 2. The said inhabitants hereby set off to the city of Boston shall continue to be a part of Dorchester for the purpose of electing State officers, senators and representatives to the general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, or until another apportionment of representatives to the general court shall be made; and it shall be the duty of the mayor and aldermen of said city of Boston to make a true list of the persons residing on the territory hereby

To vote with Dorchester in election of certain officers.

annexed thereto, qualified to vote at such elections, and post up the same in said territory, and correct the same, as required by law, and deliver the same to the selectmen of said town of Dorchester, seven days, at least, before any such election; and the same shall be taken and used, by the selectmen of Dorchester, for such election, in the same manner as if it had been prepared by themselves.

Relating to
streets, etc.

SECT. 3. The mayor and aldermen of the city of Boston shall be, and hereby are, authorized to lay out such streets and lanes over the said tract, within twelve months from the passage of this act, as, in their judgment, the interests of the proprietors of lands in said tract, and the public convenience, may require: *provided*, said proprietors shall relinquish any claim for damages, or compensation for the land over which said streets and lanes are so laid out, within the time aforesaid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 469

An Act for abating Nuisances.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Burnt or dangerous buildings, adjudged as nuisances, how disposed of.

SECT. 1. Whenever the mayor and aldermen of any city, or the selectmen of any town, after due notice in writing to the owner of any burnt, dilapidated or dangerous building, and after a hearing of the matter, shall adjudge the same to be a nuisance to the neighborhood, or dangerous, they may make and record an order prescribing what disposition or alteration shall be made thereof, or such other provisions as they shall deem necessary; and thereupon it shall be the duty of the city or town clerk to deliver a copy of such order to a constable, who shall serve such owner with an attested copy thereof, and make return of his doings thereon to said clerk forthwith.

Power of selectmen, etc., to abate such nuisances.

SECT. 2. The mayor and aldermen of any city, or the selectmen of any town, shall have the same power and authority to abate and remove any such nuisance as are given to the board of health in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes.

Owner aggrieved, may apply for a jury.

SECT. 3. Any owner aggrieved by any order passed under the provisions of the first section of this act, may apply to the court of common pleas, if sitting in the county in which such order is passed, or to any justice thereof, in vacation, for a jury. And such court or justice shall issue a

warrant for a jury, to be impanelled by the sheriff, in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes in regard to the laying out of highways; such application shall be made within three days after such order is served upon the said owner, and the said jury shall be impanelled within fourteen days from the issuing of said warrant.

SECT. 4. The jury shall find a verdict either affirming or annulling the said order in full, or making alterations therein, as they may see fit, which verdict shall be returned to the next term of said court, by the sheriff, for acceptance, in like manner as in the case of highways, and being accepted shall be binding to the same effect as the original order would have been without such appeal. Verdict of jury. .

SECT. 5. If the verdict shall affirm such order, costs shall be recovered by the city or town against such applicant; if the verdict shall annul such order, in whole, damages and costs shall be recovered by the complainant against such city or town; and in case the verdict shall alter such order, in part, the court may render such judgment as to costs as to justice shall appertain. Costs.

SECT. 6. This act shall not be in force in any town or city, unless the inhabitants of the town, or the city council of the city, shall adopt the same at a legal meeting of said inhabitants or city council, called for that purpose. *[Approved by the Governor, May 21, 1855.]* Act void, unless accepted by inhabitants.

An Act concerning the Purchase of Spirituous and Intoxicating Liquors for Town Agents. Chap. 470

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The governor, by and with the consent of the council, shall, within thirty days from the passage of this act, appoint and commission a competent person to purchase and sell spirituous and intoxicating liquors of a pure quality to the several agents appointed or to be appointed under the provisions of an act passed on the twentieth day of April, in the year one thousand eight hundred and fifty-five, entitled "An Act concerning the Manufacture and Sale of Spirituous and Intoxicating Liquors." Governor to appoint one person to sell liquors to town agents.

SECT. 2. Such person, so appointed and commissioned, shall establish and maintain, in the city of Boston, a suitable office or place of business, and shall purchase and sell to such city and town agents, and to them only, for the pur- Duty of such person.

poses in said act specified, and in such quantities as they may require, spirituous and intoxicating liquors, which shall be of a pure quality, and unadulterated with any mixture, or noxious or poisonous substance whatever. All said sales shall be made for cash, and at a price not exceeding an advance of five per centum upon the actual cost.

To keep record of
all purchases and
sales, etc.

SECT. 3. Such person, so appointed and commissioned, shall keep a record, in which shall be plainly and truly recorded all purchases and sales made by him under this act, the prices at which the same were made, and the names of the persons of and to whom made; and the said record shall be at all times open to the inspection of the mayor and aldermen of the several cities, the selectmen of the several towns, and to the prosecuting officers of the Commonwealth; and all packages of liquors sold by him shall have his seal affixed thereto before delivery thereof; and the transportation of all liquors, so purchased and so sold, and sealed as aforesaid shall be allowed by law.

Bond.

SECT. 4. Such person, within ten days after being so appointed and commissioned, shall file, in the office of the treasurer of the Commonwealth, a bond to the Commonwealth, in the penal sum of twenty thousand dollars, with two or more good and sufficient sureties, to be approved by the treasurer, for the faithful performance by him of the requisitions of this act.

Town agents, by
whom supplied.

SECT. 5. All city and town agents appointed, or to be hereafter appointed, under the provisions of the aforesaid act concerning the manufacture and sale of spirituous and intoxicating liquors, shall purchase all liquors, to be sold by them, of the person appointed and commissioned as herein provided, or of authorized manufacturers, and in no other manner.

No claim upon
Commonwealth
for services, etc.

SECT. 6. Nothing herein contained shall be construed to authorize or empower such person, so appointed and commissioned, to claim or receive of the Commonwealth any compensation for his outlay, services or expenses in said business, or to contract any debt or obligation, or incur any liability, on the faith or in behalf of the Commonwealth.

Penalty for adul-
terating liquor,
etc.

SECT. 7. In case the person so appointed and commissioned shall adulterate, or cause to be adulterated, the said liquors, or any thereof, or shall, under the provisions of this act, sell to persons other than city and town agents, or at an advance greater than five per centum upon the cost as aforesaid, he shall, upon conviction for such offence, forfeit to the Commonwealth the amount of his aforesaid bond and

be imprisoned in the State Prison not less than six months, nor more than five years.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to incorporate the Bank of Cape Ann, in Gloucester.

Chap. 471

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George F. Wonson, Timothy Davis, John Pew, Corporators. and Moses Tarr, their associates and successors, are hereby made a corporation, by the name of the Bank of Cape Ann, to be established in Gloucester, and shall so continue until Duration. the first day of October, in year one thousand eight hundred and seventy-five; and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of Capital stock. one hundred and fifty thousand dollars, to be divided into \$150,000. shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of Proviso. May, in the year one thousand eight hundred and fifty-six.

SECT. 3. The stock of said bank shall be transferable Transfer of stock. only at its banking house and on its books.

SECT. 4. The said corporation shall be subject to all the Subject to future laws. liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, May 21, 1855.*]

An Act authorizing the Proprietors of the Upper Locks and Canals in the County of Hampshire to sell their Lands and Water-Power. Chap. 472

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of the Upper Locks and Canals, on Connecticut River, in the county of Hampshire, may, May sell lands and water-power. in addition to the power given them to use or lease their water-power, by the one hundred and twenty-second chapter of the acts of eighteen hundred and fifty-four, sell and convey their lands and water-power, in whole or in part: *provided*, that all sales of land or water-power, made by said Proviso.

proprietors, shall be approved by a vote of three-fourths of the stockholders in interest; but nothing herein contained shall in any wise impair the legal rights of any stockholder in said company, or any creditor thereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 473 An Act in addition to "An Act to incorporate the Town of South Danvers."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Assessors to complete assessment of taxes, etc.

SECT. 1. The assessors chosen by the town of Danvers, at their annual meeting in March, this present year, are hereby authorized and required to complete the assessment of taxes, (voted to be raised by said town at said meeting,) both in Danvers and South Danvers, any thing in the act to incorporate the town of South Danvers, or in the place of residence of either of said assessors, to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 474 An Act to incorporate the Telegraph Newspaper Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John Nesmith, William B. Spooner, William Claflin, Moses Mellen, Edwin Thompson, and B. W. Williams, their associates and successors, are hereby made a corporation by the name of the Telegraph Newspaper Company, for the purpose of publishing daily and weekly newspapers, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, etc.

Real estate, \$20,000.

Whole capital not to exceed \$100,000

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of twenty thousand dollars, and the whole amount of the capital stock of said company shall not exceed one hundred thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act to incorporate the Bee Printing Company.

Chap. 475

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel A. Bradbury, John F. Marsh, William H. Ladd, their associates and successors, are hereby made a corporation by the name of the Bee Printing Company, for the purpose of publishing daily and weekly newspapers, &c., in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of twenty-five thousand dollars, and the whole amount of the capital stock of said company shall not exceed seventy-five thousand dollars.

Real estate,
\$25,000.

Whole capital
not to exceed
\$75,000.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1855.]

An Act in addition to an Act entitled "An Act to incorporate the Conway Stock and Mutual Fire Insurance Company."

Chap. 476

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Conway Stock and Mutual Fire Insurance Company shall be authorized to extend its business to other States not named in its act of incorporation, and shall, hereafter, be called and known as the Conway Fire Insurance Company.

May insure in
other States.

SECT. 2. The said company may increase its guarantee capital to an amount not exceeding one hundred thousand dollars, at any time within three years from the passage of this act.

Name.

Guarantee capital
may be increased
to \$100,000 within
three years.

SECT. 3. The said company shall be authorized to set apart any profits that may arise from the business of its stock department, as a reserve fund, for the redemption of its guarantee capital; and whenever the accumulations of said reserve fund shall be sufficient to redeem fifty per cent. of its guarantee stock, the same may, by a vote of the directors of said company, be redeemed; and whenever an additional fifty per cent. may have accumulated in said reserve fund, the remaining fifty per cent. of said guarantee stock may be, in like manner, redeemed: *provided*, that whenever a redemption of the guarantee stock shall take

Reserve fund for
the redemption of
guarantee capital

Proviso.

place, the same amount shall be invested as a permanent stock, in case said company shall continue to issue policies of insurance upon the stock principle.

May insure as stock company whenever mutual department is relinquished.

SECT. 4. Whenever, during the continuance of its charter, the said company shall have invested one hundred thousand dollars, according to the laws of this Commonwealth, which shall be made liable to respond to any policies of insurance thereafter to be issued, and shall have provided for all of its liabilities and dividends in the mutual department, and shall, by a vote of a majority of those present at any meeting called for that purpose, decide to relinquish the mutual department of its business, then the said company shall be authorized to make insurance as a stock company, subject to all laws and restrictions, and entitled to all privileges at that time applicable to stock insurance companies in this Commonwealth.

Guarantee capital to be paid in and invested within two years.

SECT. 5. In case the directors of the said company shall vote to increase its guarantee stock, as provided in the second section of this act, the same shall be all paid in and invested, as by law provided, within two years from the date of the subscription to said guarantee stock. [*Approved by the Governor, May 21, 1855.*]

Chap. 477

An Act in addition to "An Act to establish a Police Court in the Town of Chelsea."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time of holding court.

SECT. 1. A court shall be held, by the justice of said police court, at some suitable and convenient place, to be provided at the expense of said town of Chelsea, on each day of the week, Sundays excepted, at eight of the clock in the forenoon, to take cognizance of all crimes, offences and misdemeanors; and on one day in each week, at eight of the clock in the forenoon, and at such other times as may be necessary, for the trial of civil suits and actions.

Court to have jurisdiction in criminal offences.

SECT. 2. All fines, forfeitures and penalties, accruing for the breach of any of the ordinances of the board of health, or of any of the orders of the selectmen of said town of Chelsea, or of any of the laws of this Commonwealth, whereof justices of the peace now have, or may hereafter have jurisdiction, may be prosecuted for, and recovered before, said police court, by complaint or information, in the same manner in which other criminal offences

are now prosecuted before the police courts in this Commonwealth.

SECT. 3. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECT. 4. This act shall take effect on and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act in further addition to "An Act relating to Joint Stock Companies." *Chap. 478*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any joint stock company heretofore or hereafter organized under the provisions of an act approved May fifteenth, in the year eighteen hundred and fifty-one, entitled "An Act relating to Joint Stock Companies," or the acts in addition thereto, for the purpose of buying, sawing or manufacturing lumber or staves, or of mining or quarrying, may carry on their business, or so much thereof as may be convenient, in any place or places beyond the limits of this Commonwealth, and may purchase and hold, in such places, any real or personal estate that may be necessary for conducting their business, provided that nothing herein contained shall be so construed as to relieve such company from any of the duties, liabilities or restrictions, imposed by the acts aforesaid, and provided that the locality of such corporation shall be fixed by the articles of agreement.

Joint stock companies, for certain purposes, may transact business out of Commonwealth.

SECT. 2. The first meeting of all corporations organized under the acts above referred to, shall be called by a notice, signed by any one or more of the persons named in the articles of agreement referred to in said act, and setting forth the place, time and purposes of the meeting; and a copy of such notice shall, seven days at least before the meeting, be delivered to each member, or published in some newspaper of the county where the corporation is to be established.

First meetings, how called.

SECT. 3. In case any doubt exists as to the legality of the organization of any corporation which the parties have attempted to organize under the acts aforesaid, then the stockholders, at any special meeting called for that purpose, of which notice shall be given, either in accordance with the by-laws of such corporation, or in the manner prescribed in the preceding section, may, by vote, ratify and confirm the organization and the subsequent acts of said corporation; and a copy of the vote shall, within sixty days, be deposited with the clerk of the town or city in which such

Organization of corporation ratified by vote, etc.

corporation shall be established, and another copy with the secretary of the State; and after such copies have been deposited, the original organization of the corporation shall be taken to have been legal, and all their doings shall be valid in law as if the organization had been originally made in due form.

Legality of certificates filed out of time.

SECT. 4. Whenever the officers of any corporation, organized under the acts aforesaid, shall have failed, by accident, mistake or other cause, to comply with the requisitions of, or to file the certificates required by, the fourth, fifth, ninth and tenth sections of said act, then any or all such certificates may be filed at any time; and such compliance with said requisitions, and such filing of said certificates, shall have the same effect as if the same had been done at the time required by law: *provided, however*, that no such subsequent compliance with the requisitions of the statutes shall prevent the parties from being personally liable for any debts previously contracted, or affect the rights of any parties as to debts previously existing.

Proviso.

Corporation may reduce capital stock.

SECT. 5. Every corporation organized under the acts above referred to, may reduce its capital stock, and the number of shares therein, at any meeting of the stockholders especially called for that purpose, provided that the amount when so reduced, shall not be less than five thousand dollars, as prescribed in the one hundred and thirty-third chapter of the acts passed in the year eighteen hundred and fifty-one: and *provided, also*, that the president, directors and treasurer of such corporation shall cause a certificate of such reduction of its capital stock and shares, to be made, signed, sworn to, deposited and recorded, as is provided in the fourth section of said act.

Proviso.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 479 An Act to repeal "An Act relating to Pilotage in the Harbor of Provincetown."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of act of 1847.

The one hundred and fiftieth chapter of the acts of the year one thousand eight hundred and forty-seven, in relation to pilotage in the harbor of Provincetown, is hereby repealed. [*Approved by the Governor, May 21, 1855.*]

An Act establishing a Probate Court in the Town of North Andover, in *Chap. 480*
the County of Essex.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be holden a probate court on the Probate court in North Andover.
third Tuesday of January, in each year, in the town of North Andover, in the county of Essex.

SECT. 2. So much of the fifty-fifth section of the Revised Repeal of statute.
Statutes, as provides for the holding of a probate court in the town of Andover, in the county of Essex, on the third Tuesday of January, in each year, is hereby repealed.
[Approved by the Governor, May 21, 1855.]

An Act relating to the Mystic River Corporation.

Chap. 481

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Mystic River Corporation is hereby au- Authorized to build sea-wall and fill up flats.
thorized to inclose, by a good and sufficient sea-wall, and to fill up the portion of flats lying between the north or main channel and the south channel of Mystic River and bounded by the following described lines, namely: Beginning at the Boundaries.
point where the south-easterly line of Johnson's wharf, extended to the north channel, intersects a line drawn from the north-easterly corner of Tufts' mill-pond to a point on Chelsea Bridge seven hundred feet northerly from the northerly side of the south draw in said bridge; thence running easterly eight hundred and twenty feet by an arc of a circle curving northerly, and having a radius of thirty-five hundred feet; thence running easterly by a straight line tangent to said arc, and in such a direction that it shall pass through a point on the north-westerly side of said bridge seven hundred and seventy feet southerly of the southerly side of the north draw in said bridge, running by said straight line to a point three hundred and forty-one feet westerly of the westerly side of said bridge; thence running south-easterly by an arc of a circle turning southerly, and having a radius of six hundred and seventy-five feet, said arc to be continued until a straight line, drawn tangent to said arc, would, if continued, pass through the north-easterly corner of the timber dock of the navy yard of the United States, said line tangent to be continued to the northerly side of the south channel to a point five hundred feet dis-

tant from said corner of said dock, and eight hundred and seventeen feet distant from the easterly side of Chelsea Bridge, by a line drawn at right angles with said bridge; thence running westerly by a straight line to the termination of said south channel at a point on the northerly side thereof in the line of the north-easterly side of Elm Street, produced north-easterly, and five hundred feet from the northerly side of Medford Street; thence running by said line of the north-easterly side of Elm Street south-westerly to the shore. And such docks as may be desired may be extended inward from said sea-wall first mentioned, between John-son's wharf and the aforementioned line of Elm Street extended to the north channel; but below the said line of Elm Street extended, the sea-wall shall be built in an unbroken line on the northerly channel, and thence to the most easterly point of said sea-wall on the northerly side of the south channel. And such docks as may be desired may be extended from the line of the sea-wall on the south channel in a north-westerly direction, leaving a strip of land between the docks on the south channel and the sea-wall on the north channel, of sufficient width at least for a street and railroad to be laid out and constructed over the same. And the said corporation shall have the right to build warehouses on the above described premises, and to lay vessels at the sides and ends of the wharves and quays, and receive wharfage and dockage therefor.

To excavate flats
and widen chan-
nel, etc.

SECT. 2. Said corporation shall excavate the flats between the south channel and the inclosure hereby authorized to be filled up, to the present depth of the said south channel, and shall widen the north channel by excavating the flats on the southerly side thereof, to the depth of the present channel, to a straight line drawn from a point thirteen hundred feet from the northerly side of Medford Street, opposite Webster Street, to a point in Chelsea Bridge four hundred feet southerly from the north draw in said bridge, and thence in a curve of one thousand feet radius in a southerly direction to the channel below said bridge, and shall keep the said excavations at that depth, and shall remove the whole of the shoal in the middle of said north channel opposite Island End River, to the general depth of the channel, and keep the same clear at that depth for the convenience of navigation; and shall excavate to the depth of four feet at least all the remaining flats between said north channel and the sea-wall herein authorized to be built.

SECT. 3. Said corporation shall fill the whole of that portion of the area, hereby authorized to be filled up, which is below the north-easterly line of Elm Street, extended to the north channel, with the material composing said flats, excavated as above described, to the height of eight feet above mean low-water; and all additional material required to fill the said inclosure below the said line of said Elm Street to the height of eight feet above mean low-water, shall be taken from the flats or marshes between high and low-water mark above these improvements, in places to be approved by a commissioner to be appointed by the governor; and the whole of the work authorized and required by this act shall be done under the supervision and to the satisfaction of said commissioner, who shall report annually to the governor and council, and all the costs of his services and expenses shall be paid by the said corporation to the treasurer of the Commonwealth.

Duty of corporation.

Work to be done to satisfaction of commissioner.

SECT. 4. Said corporation may hold real and personal estate for the purposes aforesaid, and their whole capital stock shall not exceed five hundred thousand dollars: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. And the structure and excavation by this act authorized shall be commenced within three years, and shall be completed within ten years after the passage of this act.

Capital stock, \$500,000.

Proviso.

SECT. 5. If the bridge now existing between Charlestown and Chelsea shall ever be made a free bridge, the Mystic River Corporation shall have no claim against any person or corporation for the portion of their land now occupied by said bridge.

If bridge be free, corporation to have no claim.

SECT. 6. All acts and parts of acts heretofore passed relating to the Mystic River Corporation are hereby repealed, except so much of the one hundred and fifth chapter of the acts of the year one thousand eight hundred and fifty-two as incorporated said corporation.

Acts repealed.

SECT. 7. This act shall not take effect unless it shall be accepted by the Mystic River Corporation by vote at its annual meeting next ensuing, or at a special meeting of said corporation called for that purpose within ninety days after the passage of this act, and it shall take effect from and after the date of such acceptance; and said corporation shall forthwith, after the acceptance of this act, file a certificate of such acceptance in the office of the secretary of State. [*Approved by the Governor, May 21, 1855.*]

Act not to take effect unless, etc.

Acceptance to be filed with secretary of State.

Chap. 482

An Act to authorize George Roundy to extend his Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend wharf.

George Roundy, proprietor of a wharf in the harbor of the town of Beverly, is hereby authorized to extend and maintain his wharf six feet into said harbor, in the direction it now runs, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued: and *provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this grant shall in no wise impair the legal rights of any person. [Approved by the Governor, May 21, 1855.]

Rights, etc.

Proviso.

Provided, also.

Chap. 483 An Act to authorize the Fitchburg and Worcester Railroad Company to extend its Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend railroad.

SECT. 1. The Fitchburg and Worcester Railroad Company is hereby authorized to extend its railroad from a point at or near the westerly end of its present passenger depot and building in Fitchburg, in a westerly direction, for the distance of one mile, terminating on the open land between the Nashua River and River Street, in said Fitchburg.

Subject to same rules and restrictions as now exist, etc.

SECT. 2. The said Fitchburg and Worcester Railroad Company, in the construction and use of that point of its extension between its said passenger depot and the west side of Water Street, in said Fitchburg, shall be subject to the same rules, restrictions and regulations, as now exist, by contract, between the Fitchburg and the Fitchburg and Worcester Railroad, with reference to the construction and use of that part of its track lying between said depot and the location of the Vermont and Massachusetts Railroad; and through the remainder of said extension, said company shall be entitled to all the privileges and benefits, and be

Powers, privileges, etc.

subject to all the duties and liabilities, set forth in the several acts relating to railroad corporations.

SECT. 3. If the said company shall not file the location of the said extension within two years, or shall not complete the same within five years from the passage of this act, then this act shall be void. [*Approved by the Governor, May 21, 1855.*]

Location filed in two years, and to be completed in five years.

An Act to incorporate the Bank of Cape Cod.

Chap. 484

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Obed Brooks, Jr., Anthony Kelley, Stephen Smith, Elijah Cobb, Prince S. Cowell, their associates and successors, are hereby made a corporation by the name of the President, Directors and Company of the Bank of Cape Cod, to be established in Harwich, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Corporators

Duration.

Powers, duties, etc.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the tenth day of May, in the year one thousand eight hundred and fifty-six.

Capital stock, \$100,000, in shares of \$100 each.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house, and on its books.

Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, May 21, 1855.*]

Subject to future laws.

An Act to incorporate the Boston and European Steamship Company. Chap. 485

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Donald McKay, George B. Upton, Enoch Train, Andrew T. Hall, James M. Beebe, their associates and successors, are hereby made a corporation by the name of Boston and European Steamship Company, for the pur-

Corporators.

Purpose.

Powers, duties,
etc.

pose of navigating the ocean by steam; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Authorized to
build steamships,
etc.

SECT. 2. The said company are hereby authorized to build, purchase, hold and convey one or more steamships, and may therewith navigate the ocean between Boston or other ports of the United States and Europe, or between such port or ports, and any islands, possessions, or provinces, of European powers, and may enter into such contracts with other persons, as they may deem expedient, to run steamships between any such port or ports, and any other port or ports whatsoever.

Real estate,
\$500,000.

SECT. 3. The said company may hold real estate not exceeding in value five hundred thousand dollars, and personal property to an amount not exceeding fifteen hundred thousand dollars.

Personal property,
\$1,500,000.

Number of shares
fixed by by-laws,
etc.

SECT. 4. The number of shares into which the capital stock of said company shall be divided, and the amount of each share, shall be fixed by the by-laws, and said company shall have power to assess, from time to time, upon such shares, such sums of money as may be deemed necessary to accomplish the objects of said company: but no share shall be assessed for a greater sum or sums in the whole, than the amount of such shares, so determined and fixed as aforesaid.

Duration.

Act void, unless,
etc.

SECT. 5. The said corporation shall continue for the term of thirty years, but, if the said corporation shall not within two years from the passing of this act, have been organized, and have laid and collected an assessment or assessments to the amount of ten per cent. upon the capital stock, and shall not, within three years from the passage of this act, have built and equipped at least two steamships for the purposes of said company, and shall not use the same for the purposes in this act expressed, then this act shall become null and void.

No shares to be
issued under par.

SECT. 6. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares first issued.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act in addition to "An Act to appoint a Board of Commissioners in relation to Alien Passengers and State Paupers." *Chap. 486*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The agents appointed by said commissioners shall have such salary as may be fixed by the commissioners, not exceeding four dollars for each day employed, together with their necessary expenses for board and travel. Pav of commis-
sioners.

SECT. 2. So much of the seventh section of the act passed May twenty-fourth, eighteen hundred fifty-one, as is inconsistent with the provisions of this act, is hereby repealed. Inconsistent act
repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act for the punishment of Embezzlement by County, City and Town Officers. *Chap. 487*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If any town, city or county officer, in this Commonwealth, shall embezzle or fraudulently convert to his own use, or shall fraudulently take or secrete, with intent to convert to his own use, any money, note, bill, obligation or security, or any other effects or property belonging to or in possession of said town, city or county, he shall be deemed, by so doing, to have committed the crime of larceny, and shall, upon conviction thereof, be punished in the same manner as is now provided by the one hundred and twenty-sixth chapter of the Revised Statutes in cases of embezzlement by bank officers. [*Approved by the Governor, May 21, 1855.*] Officers embez-
zling property,
deemed guilty of
larceny.

An Act in addition to an Act establishing the City of New Bedford. *Chap. 488*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The legal voters of the city of New Bedford shall, at their regular ward meetings in the month of March, annually, elect one assistant assessor from each ward in said city. One assistant as-
sessor from each
ward.

SECT. 2. The city council of said city shall elect, in convention, on the second Monday of April, annually, two assessors, who shall have all the powers, and be subject to all the duties and liabilities, of assessors of towns. City council to
elect two asses-
sors.

To elect city marshal and assistants.

SECT. 3. The city council shall annually elect a city marshal, with such number of assistant marshals, constables and police officers, as they shall deem expedient.

Inconsistent acts repealed.

SECT. 4. All acts, or parts of acts, inconsistent with this act, are hereby repealed.

Act void, unless accepted, etc.

SECT. 5. This act shall be void unless it shall be accepted and approved by a majority of the legal voters of New Bedford, present and voting at meetings called for that purpose, in the several wards of said city, at least seven days before the time of holding said meeting. [*Approved by the Governor, May 21, 1855.*]

Chap. 489 An Act to protect the Rights and Liberties of the People of the Commonwealth of Massachusetts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1843 extended.

SECT. 1. All the provisions of the "Act further to protect Personal Liberty," passed the twenty-fourth day of March, in the year one thousand eight hundred and forty-three, shall apply to the act of congress, approved September eighteen, in the year one thousand eight hundred and fifty, entitled "An Act to amend, and supplementary to, the act entitled 'An Act respecting fugitives from justice and persons escaping from the service of their masters.'"

Meaning of ch. 111, R.S., defined.

SECT. 2. The meaning of the one hundred and eleventh chapter of the Revised Statutes is hereby declared to be, that every person imprisoned or restrained of his liberty is entitled, as of right and of course, to the writ of *habeas corpus*, except in the cases mentioned in the second section of that chapter.

What courts, etc. may issue writs of *habeas corpus*.

SECT. 3. The writ of *habeas corpus* may be issued by the supreme judicial court, the court of common pleas, by any justice's court or police court of any town or city, by any court of record, or by any justice of either of said courts, or by any judge of probate; and it may be issued by any justice of the peace, if no magistrate above named is known to said justice of the peace to be within five miles of the place where the party is imprisoned or restrained, and it shall be returnable before the supreme judicial court, or any one of the justices thereof, whether the court may be in session or not, and in term time or vacation.

Either party may demand trial by jury in case of arrest of person alleged to be held

SECT. 4. The supreme judicial court, or any justice of said court before whom the writ of *habeas corpus* shall be made returnable, shall, on the application of any party to the

proceeding, order a trial by jury as to any facts stated in the return of the officer, or as to any facts alleged, if it shall appear by the return of the officer or otherwise, that the person whose restraint or imprisonment is in question is claimed to be held to service or labor in another State, and to have escaped from such service or labor, and may admit said person to bail in a sum not exceeding two thousand dollars. In such case, issue may be joined by a general denial of the facts alleged, the plea may be not guilty, and the jury shall have the right to return a general verdict, and the same discretion as juries have in the trial of criminal cases; and the finding of a verdict of not guilty shall be final and conclusive.

SECT. 5. The court or justice before whom the writ of *habeas corpus* is returnable shall, unless a jury is already in attendance, by warrant, command the sheriff of the county, or his deputy, to summon a jury in the manner provided in the twenty-fourth chapter of the Revised Statutes, to attend at the time and place stated in the warrant, at which time and place they shall be impanelled, and having elected a foreman by ballot, the issue so framed shall be put to them for their determination. In case one jury shall disagree, the issue may be submitted to the other jury, or continued to the next term, at the discretion of the court. And in every case of disagreement another jury may be summoned and qualified as above provided, forthwith or at a future day, in the discretion of the court or justice before whom the writ is returned, until a verdict shall finally be rendered upon the issue. If any person summoned as a juror as aforesaid shall fail to attend without sufficient cause, he shall pay a fine of fifty dollars. And if, by reason of challenges or otherwise, there shall not be a full jury of the persons summoned, the officer attending the hearing shall return some suitable person or persons to supply the deficiency.

SECT. 6. If any claimant shall appear to demand the custody or possession of the person for whose benefit said writ is sued out, such claimant shall state in writing the facts on which he relies, with precision and certainty; and neither the claimant of the alleged fugitive, nor any person interested in his alleged obligation to service or labor, nor the alleged fugitive, shall be permitted to testify at the trial of the issue; and no confessions, admissions or declarations of the alleged fugitive against himself shall be given in evidence. Upon every question of fact involved in the issue, the burden of proof shall be on the claimant, and the facts

to service in another State.

Court may command sheriff to summon jury.

Claimant to make statement in writing, etc.

Burden of proof to be on claimant.

alleged and necessary to be established, must be proved by the testimony of at least two credible witnesses, or other legal evidence equivalent thereto, and by the rules of evidence known and secured by the common law; and no *ex parte* deposition or affidavit shall be received in proof in behalf of the claimant, and no presumption shall arise in favor of the claimant from any proof that the alleged fugitive or any of his ancestors had been actually held as a slave, without proof that such holding was legal.

Penalty for removing any person who is not "held to service or labor," etc.

SECT. 7. If any person shall remove from the limits of this Commonwealth, or shall assist in removing therefrom, or shall come into the Commonwealth with the intention of removing or of assisting in the removing therefrom, or shall procure or assist in procuring to be so removed, any person being in the peace thereof who is not "held to service or labor" by the "party" making "claim," or who has not "escaped" from the "party" making "claim," or whose "service or labor" is not "due" to the "party" making "claim," within the meaning of those words in the constitution of the United States, on the pretence that such person is so held or has so escaped, or that his "service or labor" is so "due," or with the intent to subject him to such "service or labor," he shall be punished by a fine not less than one thousand, nor more than five thousand dollars, and by imprisonment in the State Prison not less than one, nor more than five years.

Persons sustaining injury, etc., may recover damages.

SECT. 8. Any person sustaining wrong or injury by any proceeding punishable by the preceding section, may maintain an action and recover damages therefor in any court competent to try the same.

Persons holding office under this Commonwealth, not to issue warrants, etc.

SECT. 9. No person, while holding any office of honor, trust, or emolument, under the laws of this Commonwealth, shall, in any capacity, issue any warrant or other process, or grant any certificate, under or by virtue of an act of congress, approved the twelfth day of February, in the year one thousand seven hundred and ninety-three, entitled "An Act respecting fugitives from justice and persons escaping from the service of their masters," or under or by virtue of an act of congress, approved the eighteenth day of September, in the year one thousand eight hundred and fifty, entitled "An Act to amend, and supplementary to, 'An Act respecting fugitives from justice and persons escaping from the service of their masters,'" or shall, in any capacity, serve any such warrant or other process.

SECT. 10. Any person who shall grant any certificate under or by virtue of the acts of congress, mentioned in the preceding section, shall be deemed to have resigned any commission from the Commonwealth which he may possess, his office shall be deemed vacant, and he shall be forever thereafter ineligible to any office of trust, honor or emolument, under the laws of this Commonwealth.

Persons granting certificate, etc., to forfeit commission under Commonwealth.

SECT. 11. Any person who shall act as counsel or attorney for any claimant of any alleged fugitive from service or labor, under or by virtue of the acts of congress mentioned in the ninth section of this act, shall be deemed to have resigned any commission from the Commonwealth that he may possess, and he shall be thereafter incapacitated from appearing as counsel or attorney in the courts of this Commonwealth.

Attorney for any claimants of fugitives, etc., not to act as counsel in State courts.

SECT. 12. The two preceding sections shall not apply to removal from judicial office; but if either of the actions there specified shall be performed by any person holding judicial office under this Commonwealth, it shall be considered as a violation of good behavior as well as a reason for loss of public confidence, and as furnishing sufficient ground, either for impeachment, or for removal by address.

Violation of two preceding sections shall be deemed sufficient ground for impeachment, etc.

SECT. 13. No person who holds any office under the laws of the United States, which qualifies him to issue any warrant or other process, or to grant any certificate under the acts of congress named in the ninth section of this act, or to serve the same, shall, at the same time, hold any office of honor, trust or emolument under the laws of this Commonwealth.

Certain U. S. officers not to hold offices of honor, etc., under Commonwealth.

SECT. 14. Any person holding any judicial office under the constitution or laws of this Commonwealth, who shall continue, for ten days after the passage of this act, to hold the office of United States commissioner, or any office under the laws of the United States which qualifies him to issue any warrant or other process, or grant any certificate under the acts of congress named in the ninth section of this act, shall be deemed to have violated good behavior, to have given reason for loss of public confidence, and furnished sufficient ground either for impeachment or for removal by address.

Judicial officers who continue to hold office of U. S. commissioner, etc., liable to removal.

SECT. 15. Any sheriff, deputy sheriff, jailer, coroner, constable or other officer of this Commonwealth, or the police of any city or town, or any district, county, city or town officer, or any officer or other member of the volunteer militia of this Commonwealth, who shall hereafter arrest,

Punishment for arresting, etc., persons claimed as fugitives from service.

imprison, detain or return, or aid in arresting, imprisoning, detaining or returning, any person for the reason that he is claimed or adjudged to be a fugitive from service or labor, shall be punished by fine not less than one thousand, and not exceeding two thousand dollars, and by imprisonment in the State Prison for not less than one, nor more than two, years.

Volunteer militia
not to act in seiz-
ing fugitives, etc.

SECT. 16. The volunteer militia of this Commonwealth shall not act in any manner in the seizure, detention or rendition of any person for the reason that he is claimed or adjudged to be a fugitive from service or labor. Any member of the same who shall offend against the provisions of this section shall be punished by fine not less than one thousand, and not exceeding two thousand, dollars, and by imprisonment in the State Prison for not less than one, nor more than two, years.

Governor to ap-
point commis-
sioners in each
county to defend
fugitives.

SECT. 17. The governor, by and with the advice and consent of the council, shall appoint, in every county, one or more commissioners learned in the law, whose duty it shall be, in their respective counties, when any person in this State is arrested or seized, or in danger of being arrested or seized as a fugitive from service or labor, on being informed thereof, diligently and faithfully to use all lawful means to protect, defend and secure to such alleged fugitive a fair and impartial trial by jury and the benefits of the provisions of this act; and any attorney whose services are desired by the alleged fugitive may also act as counsel in the case.

Commissioners to
be paid by State
treasurer.

SECT. 18. The commissioners shall defray all expenses of witnesses, clerks' fees, and officers' fees, and other expenses which may be incurred in the protection and defence of any person seized or arrested as a fugitive from service or labor; and the same, together with the reasonable charges of the commissioners for their services as attorneys and counsel in the case, shall be paid by the State treasurer, on a warrant to be issued by the governor.

Jails not to be
used for imprison-
ment of persons
claimed as fugi-
tives, etc.

SECT. 19. No jail, prison, or other place of confinement belonging to, or used by, either the Commonwealth of Massachusetts or any county therein, shall be used for the detention or imprisonment of any person accused or convicted of any offence created by either of the said acts of congress mentioned in the ninth section of this act, or accused or convicted of obstructing or resisting any process, warrant, or order, issued under either of said acts, or of rescuing, or attempting to rescue, any person arrested or

detained under any of the provisions of either of said acts, nor for the imprisonment of any person arrested on *mesne process*, or on execution in any suit for damages or penalties accruing, or being claimed to accrue, in consequence of any aid rendered to any escaping fugitive from service or labor.

SECT. 20. All the provisions of law as to the writ of *habeas corpus*, heretofore existing and in force, so far as applicable, and so far as not hereby changed, shall apply to the cases arising under this act.

Laws relating to writs of habeas corpus to apply to this act.

SECT. 21. Nothing in this act shall be construed to apply to so much of the act of the twelfth of February, one thousand seven hundred and ninety-three, as relates to fugitives from justice.

Act not to apply to fugitives from justice.

SECT. 22. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed.

SECT. 23. This act shall take effect from and after its passage.

IN SENATE, May 21, 1855.

This bill having been returned to the Senate by his excellency the governor, together with his objections thereto, the said objections were entered at large on the journal, and the Senate proceeded to reconsider the said bill; and the question being stated, on agreeing to pass the bill, notwithstanding the said objections, the yeas and nays were taken thereon, and two-thirds of the members present answering in the affirmative, the senate agreed to pass the same notwithstanding the said objections.

HENRY W. BENCHLEY, *President*.

HOUSE OF REPRESENTATIVES, May 21, 1855.

The question being stated, shall this bill be approved, the governor's objections to the contrary notwithstanding?—and being taken, as required by the constitution, by yeas and nays, and two-thirds of the members present and voting thereon having voted in the affirmative, the house approved the same notwithstanding the said objections.

DANIEL C. EDDY, *Speaker*.

CHANGE OF NAMES.

SECRETARY'S OFFICE.

By the 256th chapter of the acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the secretary of the Commonwealth of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." And the following returns have been received at this department in accordance with said act.

SUFFOLK.

Anna Maria Downs Lord, of Boston, takes the name of Anna Maria Downs.

Danforth Eri Newcomb, of Boston, takes the name of Sylvanus Judkins.

James Sylvester Morphey, of Boston, takes the name of James Sylvester Norman.

John Paine, of Boston, takes the name of John Shearer Paine.

Leonard Lamperts-dörfer, of Boston, takes the name of Leonard Lamperts.

George W. Dunnaway, of Boston, takes the name of George W. Jones.

Daniel L. McGear, of Boston, takes the name of Daniel L. Gear.

Edward William Burrows Thompson, of Boston, takes the name of Edward Thompson.

Francis Boott Brooks, of Boston, takes the name of Francis Brooks.

Philip Keating, of Boston, takes the name of Philip Keating Holbrook.

Decreed by Edward G. Loring, Judge of Probate for the County of Suffolk.

The date of the decree is not given in the return made to this office.

ESSEX.

January 3, 1854. John Cronin, of Salem, takes the name of John Byron Howard.

March 7. Catherine Murray, of Lynn, takes the name of Adelaide Herbert Robinson.

June 6. Clara E. Richmond, of Marblehead, takes the name of Bessie Richmond.

July 4. George Hunkins, of Haverhill, takes the name of George Warren. Maria E. Hunkins, of Haverhill, takes the name of Maria E. Warren. Emma F. Hunkins, of Haverhill, takes the name of Emma F. Warren. Helena A. Hunkins, of Haverhill, takes the name of Helena A. Warren.

Charles Henry Tiplady, of Salem, takes the name of Charles Henry Pierce.

October 3. Michael L. Whidden, of Danvers, takes the name of Henry L. Whidden.

October 17. Caroline Cheswell Story, of Salisbury, takes the name of Caroline Ireland Story.

November 7. Patrick Welsh, of Salem, takes the name of William Welsh.

November 21. Nathaniel Hooper, of Marblehead, takes the name of Nathaniel Leach Hooper.

Decreed by N. S. Howe, Judge of Probate for the County of Essex.

MIDDLESEX.

May 2, 1854. Cyrus Frederick Smith, of Brighton, takes the name of Cyrus Frederick Knight.

August 8. William F. Morse, and Mary Morse, his wife, of Hopkinton, adopt Augustus P. Murray, (a minor,) and said Augustus takes the name of Charles Fairbanks Morse.

August 15. Dorcas Maria Chaffin, of Newton, takes the name of Maria Dorcas Chaffin.

September 19. Cyrus H. Morrill, and Catharine Morrill, his wife, of Lowell, adopt Elizabeth Blood, (a minor,) and said Elizabeth takes the name of Katy Josephine Morrill. Abel D. Townsend, and Mary Townsend, of Lowell, adopt Silva Ann Elliott, (a minor,) and said Silva Ann takes the name of Mary Eliza Townsend. Lyman Blake, and Zeraiah Blake, his wife, of Lowell, adopt Abby Ann Ness, (a minor,) and said Abby takes the name of Abby Ann Blake.

October 10. Isaac Emerson, Jr., and Elmira Emerson, his wife, of Melrose, adopt Thomas Stone, (a minor,) and said Thomas takes the name of Frank Stone Emerson.

November 14. Ephraim C. Wetherbee, and Nancy Wetherbee, his wife, of Concord, adopt Laura Wheeler, (a minor,) and said Laura takes the name of Laura Chapman Wetherbee.

November 21. Richard Murray, and Catharine Murray, his wife, of Somerville, adopt Thomas Francis Maguire, (a minor,) and said Thomas takes the name of Thomas Francis Murray.

Decreed by S. P. P. Fay, Judge of Probate for the County of Middlesex.

WORCESTER.

January 3, 1854. George S. Wicker, of Oxford, takes the name of George Sherman Wesson.

February 7. Ferdinand Holbrook, of Grafton, takes the name of Emory Holbrook. William S. Merritt, of Fitchburg, adopts James Merritt Leverett, (a minor,) and said William takes the name of James Leverett Merritt.

March 7. Joel Haggett, of Paxton, takes the name of Joel Hudson. George Muzzy, of Brookfield, takes the name of George M. Gallup. Otis D. Bigelow, of West Boylston, adopts Jane Lemira Barrus, (a minor,) and said Jane takes the name of Jane Lemira Bigelow. Nancy Levina Barton, (a minor,) daughter of Porter G. Barton, of Fitchburg, takes the name of Harriet Nancy Barton. Nahum Hastings, of West Boylston, adopts Abby Carolin Lawrence, (a minor,) and said Abby takes the name of Abby Carolin Hastings.

May 3. Josiah Hannum, and Mercy J. Hannum, of Douglas, adopt Eldora Lenora Rawson, (a minor,) and said Eldora takes the name of Eldora Rawson Hannum.

May 18. Daniel Russell, of Gardner, adopts Estus Smith Fay, (a minor,) and said Estus takes the name of Estus

Smith Russell; also Ella Eliza Fay, (a minor,) who takes the name of Ella Eliza Russell.

June 6. Zelia Thayer, and Angenette Thayer, of Milford, adopt Marion Chapin, (a minor,) and said Marion takes the name of Marion Chapin Thayer. Charles Hyde, and Elizabeth Hyde, of Hubbardston, adopt Emily Mentoria Brizzee, (a minor,) and said Emily takes the name of Emily Elizabeth Hyde.

September 5. Samuel H. Hastings, and Dorinda C. Hastings, of Hubbardston, adopt Lilla Maria Staples, (a minor,) and said Lilla takes the name of Lilla Maria Hastings. George N. Houghton, and Abby T. Houghton, of Leominster, adopt Cynthia Augusta Seley, (a minor,) and said Cynthia takes the name of Clara Seley Houghton.

December 5. Peter A. Bridge, and Mary A. Bridge, of Gardner, adopt Georgianna Summers, (a minor,) and said Georgianna takes the name of Georgianna Bridge.

Decreed by Thomas Kinnicutt, Judge of Probate for the County of Worcester.

HAMPSHIRE.

November 7, 1854. David Montague, and Lavina Montague, his wife, of Westhampton, adopt Silvia Montague Marsh, (a minor,) aged four years, daughter of Phelander S. Marsh, and Silvia M. Marsh, and said Silvia takes the name of Silvia Marsh Montague.

December 5. Eliphaz Elbridge Dickinson, of Granby, takes the name of Henry Anderson Dickinson.

Decreed by Ithamar Conkey, Judge of Probate for the County of Hampshire.

HAMPDEN.

January 3, 1854. Edward Warren Osgood, of Springfield, takes the name of Edward Sherburne Osgood.

August 22. Louisa Rebecca Eno, of Westfield, takes the name of Louisa Eno Gillette. Royal Greenwood, of Westfield, takes the name of Royal Greenwood Clifton.

September 26. Mary Fidelia Sikes, of West Springfield, takes the name of Mary Fidelia Palmer.

Decreed by Oliver B. Morris, Judge of Probate for the County of Hampden.

FRANKLIN.

March 14, 1854. Edward H. Snow and wife, of Bernardston, adopt John Dwight Coy, minor child of John Coy, of Greenfield, and said John takes the name of George Dutton Snow.

August 22. Asa B. Smith and wife, of Buckland, adopt Lucy Maria Locke, and Martha Laurens Locke, minor children of Edward Locke, late of Sandwich Islands, deceased, and said minors take the names of Lucy Maria Smith and Martha Laurens Smith.

October 18. Rev. Asa B. Smith, and wife, of Buckland, adopt Alexander Browne and George W. Browne, minor children of — Browne and Maria C. Browne, of New York, and said minors take the names of Charles Alexander Smith, and George Alfred White Smith.

Decreed by Franklin Ripley, Judge of Probate for the County of Franklin.

BERKSHIRE.

Thomas Demoranville, Esther, Chester L., Adeline E., Albert T., Lucy I., and John H., take the surname of Ranville, instead of Demoranville.

Decreed by Daniel N. Dewey, Judge of Probate for the County of Berkshire.

NORFOLK.

March 25, 1854. John Humphrey, of Stoughton, takes the name of John Humphrey Kelley.

April 4. Abby Jane Calder, of Dedham, (a minor,) takes the name of Abby Jane Colburn.

April 8. Jonathan Franklin Woodside, of Roxbury, takes the name of Franklin Woodside.

May 6. Eliza Ann Fowler, of Dedham, (a minor,) takes the name of Mary Louisa Boyden.

May 13. Manly Fowler, of Roxbury, (a minor,) takes the name of Manly Fowler Cutter.

June 24. Emma Lavinia Fales, of Canton, (a minor,) takes the name of Emma May Mann.

November 25. Michael Grace Read, of Roxbury, takes the name of Alton Grace Read,

December 2. Samuel Knowles Scott, of Roxbury, (a minor,) takes the name of Samuel Scott Knowles.

Joseph Monasses, of Cohasset, (a minor,) takes the name of Joseph Silva.

Decreed by W. S. Leland, Judge of Probate for the County of Norfolk.

BRISTOL.

January 6, 1854. Frances Ruth Snow, of Taunton, takes the name of Frances Ruth Maria Snow.

Decreed by Oliver Prescott, Judge of Probate for the County of Bristol.

PLYMOUTH.

March 7, 1854. William Henry McCarthey, of Hingham, takes the name of William Henry Harrison.

May 2. Isabella Frances Drew, of Bridgewater, takes the name of Isabella Frances Holmes.

May 15. Deborah Alden Ford, of Pembroke, takes the name of Deborah Alden Tolman. Bethia Harrington Ford, of Pembroke, takes the name of Bethia Harrington Cobb.

October 3. Elizabeth Williams Lee, of Abington, takes the name of Susan Elizabeth Frost.

Decreed by Aaron Hobart, Judge of Probate for the County of Plymouth.

BARNSTABLE.

June 20, 1854. Eleazer Atwood, Jr., of Wellfleet, takes the name of Eleazer Higgins Atwood.

October 30. Samuel Pitcher, Jr., of Barnstable, adopts a female child, named Ida Davis, and said Ida takes the name of Ida Davis Pitcher.

Decreed by Nymphas Marston, Judge of Probate for the County of Barnstable.

No application for change of name, under this act, has ever been made to the Judge of Probate for Dukes County; and none has been made to the Judge of Probate for the County of Nantucket, during the year 1854.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Resolve in favor of William Stowe.

Chap. 1.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William Stowe, the sum of fifty dollars, in full payment for his services as acting-clerk of the house of representatives, during the organization thereof, at the commencement of the present session; and that a warrant be drawn accordingly. [Approved by the Governor, January 19, 1855.]

\$50 to acting-clerk during organization of legislature.

Resolve authorizing the Treasurer to borrow Money in anticipation of the Revenue. Chap. 2.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized, until otherwise directed by the legislature, to borrow, in anticipation of the revenue, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands upon the treasury; and that he shall repay any sum which he shall borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of three hundred thousand dollars. [Approved by the Governor, January 23, 1855.]

Treasurer may borrow the sum of \$300,000.

Chap. 3. Resolve in favor of the Inspectors of the Bridgewater State Almshouse and Levi L. Goodspeed.

\$1,000 to superintendent.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Levi L. Goodspeed, superintendent of the Bridgewater State Almshouse, the sum of one thousand dollars, for expenses incurred by him in the purchase of bedding, and for the purchase of additional bedding for said institution; and that the governor be authorized to draw his warrant for the same accordingly. [*Approved by the Governor, January 29, 1855.*]

Chap. 4. Resolve for the appointment of a Commissioner to attend the Exposition of the Industry of all Nations, to be held at Paris, in May, 1855.

Commissioner to attend Exposition of Industry, at Paris.

Resolved, By this legislature, that his excellency the governor be authorized, by and with the advice and consent of the council, to appoint a commissioner to represent the Commonwealth of Massachusetts at the exposition of industry of all nations, to be held at Paris, in May, 1855—said commission to be without cost or expense to the Commonwealth. [*Approved by the Governor, January 30, 1855.*]

Chap. 5. Resolve providing for the Pay of the Legislature, and its Officers, monthly.

Monthly pay of members.

Resolved, That there be paid out of the treasury of the Commonwealth, to each member of the legislature, at the end of every month during its session, the sum of seventy-five dollars: *provided,* it shall appear by the certificate of the clerk of either house, that the pay of the member for the month, at three dollars per day, amounts to that sum; and each member shall submit to the clerk, in writing, a statement of the number of days he has been in attendance during the month. Also, that there be paid to the clerks, messengers, door-keepers and pages of the two houses, a proportionate sum, upon producing the proper certificate; and his excellency the governor is authorized to draw his warrant on the treasury for a sum not exceeding one hundred and fifty thousand dollars, for the purpose hereinbefore specified. [*Approved by the Governor, February 1, 1855.*]

Chap. 6. Resolve in favor of Mary H. Merrick.

Guardian authorized to sell all right, title, etc.

Resolved, That for the reasons set forth in the petition of Mary H. Merrick, guardian of George L. Merrick and Mary E. W. Merrick, that Samuel Hills, of Amherst, in the county of Hampshire, guardian of John Thayer and Josiah Thayer, minor children and heirs of Samuel Thayer, deceased, or whoever may be hereafter appointed guardian of

said minors, is hereby fully authorized and empowered, for a nominal consideration only, to release to the heirs of William Merrick, late of Amherst, aforesaid, all the right, title and interest of his said wards in, and to, certain real estate situated in Shutesbury, in the county of Franklin, which is particularly described in said petition, by a good and sufficient deed thereof, in as full and ample a manner as the said minors might do if they were severally of full age. [*Approved by the Governor, February 7, 1855.*]

Resolve in favor of Mrs. Mary Duncan Wells, widow of the late Chief Justice Wells. *Chap. 7.*

Resolved, That, for reasons set forth in the memorial of the justices of the court of common pleas, there be allowed and paid out of the treasury of the Commonwealth, to Mary Duncan Wells, widow of the late Chief Justice Wells, of the court of common pleas, the sum of ten hundred and eighty-eight dollars and nineteen cents; and that the governor draw his warrant accordingly. [*Approved by the Governor, February 7, 1855.*]

\$1,088.19 to widow of Chief Justice Wells.

Resolve on the Petition of Uriah Gardner.

Chap. 8.

Resolved, That there be allowed, and paid out of the treasury of the Commonwealth, to Uriah Gardner, sheriff of the county of Nantucket, the sum of two hundred dollars, to defray the expenses of defending a suit against himself, as such officer, as stated in his petition; and the governor is requested to draw his warrant accordingly. [*Approved by the Governor, February 16, 1855.*]

\$200 to sheriff of Nantucket.

Resolve providing for a Consolidation and Arrangement of the General Statutes of the Commonwealth. *Chap. 9.*

Resolved, That the governor, by and with the advice and consent of the council, shall appoint three able and discreet persons, learned in the law, to be commissioners for consolidating and arranging the general statutes of the Commonwealth, which may be in force and operation at the time such commissioners may make their final report of their doings in the premises. Such commissioners shall carefully collect, under different titles and chapters, upon the basis, plan and general form and method of the Revised Statutes, all acts, and parts of acts, relating to the same subject, and shall execute and complete such consolidation and arrangement, in such manner as in their judgment will render the said general statutes most concise, plain and intelligible.

Commissioners to consolidate laws of the Commonwealth.

Duty of commis-
sioners.

The commissioners may, in consolidating and arranging the statutes, omit redundant enactments, and those which may have ceased to have any effect or influence on existing rights; reject superfluous words, and condense, into as concise and comprehensive a form as is consistent with a full and clear expression of the will of the legislature, all circuitous, tautological and ambiguous phraseology; suggest any mistakes, omissions, inconsistencies and imperfections, which may appear in the laws to be consolidated and arranged, and the manner in which they may be corrected, supplied and amended.

Same subject.

The commissioners shall indicate, by brief marginal notes and references, the statutes, chapters and sections consolidated and arranged by them, the substance of the contents of each section, and the leading and prominent judicial decisions upon the same. They shall complete the said consolidation and arrangement, and make and present their final report to the legislature, as soon as may be. They shall make their final report in print; and in order to facilitate the examination thereof, they shall cause a sufficient number of copies to be printed for the use of the legislature. [Approved by the Governor, February 16, 1855.]

Chap. 10.

Resolve in favor of the Town of Methuen.

\$106.56 from the
school fund to
treasurer of Me-
thuen.

Resolved, That there be allowed and paid out of the school fund of this Commonwealth, to the treasurer of the town of Methuen, the sum of one hundred and six dollars and fifty-six cents, being the amount due said town as their proportion of the school fund for the year one thousand eight hundred and fifty-four; and that a warrant be drawn therefor accordingly. [Approved by the Governor, February 19, 1855.]

Chap. 11. Resolve in favor of constituting the Boston Daily Bee, and the American Patriot, the Official Organs.

Official organs for
publishing laws.

Resolved, That the Boston Daily Bee, and the American Patriot, papers published in the city of Boston, be constituted the official organs for publishing the laws of this Commonwealth. [Approved by the Governor, February 27, 1855.]

Chap. 12.

Resolve in favor of J. D. Towle and Francis Foster.

\$1,378 to J. D.
Towle and Fran-
cis Foster, archi-
tects.

Resolved, That there be paid out of the treasury of the Commonwealth, the sum of thirteen hundred and seventy-eight dollars, to Messrs. J. D. Towle and Francis Foster,

architects, of Boston, as payment and interest in full for plans for the enlargement of the State House, furnished by them to a committee of the legislature of this Commonwealth, and adopted by law, April twenty-seven, one thousand eight hundred and fifty-three; and the governor is requested to draw his warrant accordingly. [*Approved by the Governor, March 9, 1855.*]

Resolves concerning the Repeal of the Missouri Compromise.

Chap. 13.

Resolved, That we deem it our duty to express again what we believe to be nearly the unanimous sentiment of the people of this Commonwealth, concerning the act of congress during the last year, by which the injunction against the introduction of slavery into territory long considered as solemnly guaranteed to freedom, was repealed.

Repeal of compromise of 1820.

Resolved, That as we protested while the question was yet pending in our national legislature, against what we considered an infraction of the rights of freedom, and a violation of the plighted faith of the nation, we do now again, after the accomplishment of the gross injustice, signify our continued and strengthened conviction of the wrong done by that measure to the non-slaveholding portion of our confederacy, both north and south.

Continued conviction of wrong done by the repeal.

Resolved, That we shall henceforth continue, by all reasonable and constitutional methods in our power, to seek for the restoration of the provisions of the act of eighteen hundred and twenty, and that we request our senators and representatives in congress to use their influence towards the repeal of so much of the act providing for the organization of the territories of Kansas and Nebraska as conflicts with those provisions.

Restoration of act of 1820.

Resolved, That this abandonment of the plighted faith of the country, as well as our own solemn convictions of duty, justifies us in requesting, as we now do, our senators and representatives in congress to use all just and constitutional means—first, to urge the prohibition of slavery from all our territories and from every part of the national domain under the control of congress, so as to relieve the United States, as a nation, from all responsibility for slavery wherever its restrictions can be constitutionally accomplished, and second, to secure the ascendancy of the principles of liberty in the general government, so as to make freedom *national*, and slavery *sectional*.

Constitutional means for prohibiting slavery, etc.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to each of the sena-

Transmission of resolves.

tors and representatives of Massachusetts in the congress of the United States. [*Approved by the Governor, March 9, 1855.*]

Chap. 14. Resolve upon the Petition of William Sohier, Cyrus and Hannah P. Mason.

Authorized to mortgage certain lots of land.

Resolved, For the reasons set forth in said petition, that William Sohier, of Boston, as trustee under the will of the late Edward Tuckerman, of said Boston, be, and hereby is, authorized and empowered to mortgage, in such way and manner as he shall deem proper, the lot of land at the north-east corner of Washington and Dover Streets, in said Boston, and the lot of land on said Washington Street next north of the Franklin School-house, for the purpose of raising money to build, alter, repair and complete such buildings on said lots as shall seem to him to be most for the benefit of all parties interested in the trust. Said mortgage or mortgages are to be for a sum or sums not exceeding twenty thousand dollars in the whole, and for which the note or notes of said Cyrus or of said Cyrus and Hannah P. Mason may be given. The said Sohier is authorized to retain out of the income of the said trust fund sufficient sums to pay the interest of said debt, from time to time, and at least one thousand dollars, in each year after the said buildings shall have been occupied one year, to provide means for the payment of said debt; and he is also authorized, as trustee as aforesaid, to renew said mortgage or mortgages, from time to time, until they are paid. [*Approved by the Governor, March 10, 1855.*]

Chap. 15. Resolve on the Petition of How-was-wee and others, Overseers of the Gay Head Indians.

Commissioners to establish boundary lines.

Resolved, That three commissioners be appointed by his excellency the governor of the Commonwealth, with the advice and consent of the council, whose duty it shall be, after giving due notice to all the parties interested, to establish the boundary line between the lands of said Indians and the lands of the white inhabitants of Chilmark, in Dukes county, and duly report the same. [*Approved by the Governor, March 9, 1855.*]

Chap. 16.

Resolve in favor of John V. Low.

Pay as assistant messenger.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to John V. Low, late assistant messenger to the governor and council, the pay to which he would be entitled were he not prevented by sickness from

the performance of his duties; and that such pay be continued during the present session of the legislature: *provided*, Proviso. that the amount granted by this resolve shall be paid out under direction of the governor and council the present year, and the governor is authorized to draw his warrant therefor. [*Approved by the Governor, March 14, 1855.*]

Resolve in favor of the Overseers of the Poor of Gay Head.

Chap. 17.

Resolved, That, for the reasons set forth in their petition, there be allowed and paid to the overseers of the Gay Head Indians, from the treasury of the Commonwealth, for the support of Clara Shepherd, belonging to the tribe of Gay Head Indians, being a lunatic, a sum equal to two dollars per week, from the twentieth of April, eighteen hundred fifty-two, to the twentieth of January, eighteen hundred fifty-five, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 14, 1855.*]

\$2 per week to overseers for the support of Clara Shepherd, a lunatic, from April, 1852, to Jan., 1855.

Resolve on the Petition of Martin Wheelock.

Chap. 18.

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the sum of thirty dollars a year, for the term of his natural life, from the twelfth day of June, in the year one thousand eight hundred and fifty-four, and that warrants be drawn accordingly. [*Approved by the Governor, March 16, 1855.*]

\$30 a year to Martin Wheelock during his natural life.

Resolves concerning the Colony Records of New Plymouth and Massachusetts.

Chap. 19.

Resolved, That eight hundred copies of the Records of the Colony of New Plymouth, with suitable Indexes, be stereotyped and printed, under the supervision of the secretary of the Commonwealth, who may appoint some competent person or persons to prepare said records for printing, and take charge of the same; and the compensation of such person or persons shall be determined by the governor and council.

800 copies of the New Plymouth Colony records to be printed.

Resolved, That the secretary of the Commonwealth be empowered to remove the said books of records, one or more volumes at a time, from Plymouth, for the purposes aforesaid, and he is also authorized and empowered to procure the original books of records to be repaired and bound and put into a proper state for preservation; and he is here-

Secretary to remove records and restore the same, etc.

by directed, after the same shall be printed, to restore the same to the registry of deeds in the county of Plymouth, together with a duly attested copy of the same as printed.

Secretary to dispose of same.

Resolved, That all the said volumes of the records of the colony of New Plymouth, as printed, be committed to the secretary of the Commonwealth, who shall cause them to be delivered as follows, viz.: one copy of each of said volumes to be furnished to the governor and lieutenant-governor, respectively, and to each member of the executive council for the present political year, the senate and house of representatives, and the clerks and chaplains of the two branches; the sergeant-at-arms and his officers, and the reporters of the two branches; one to the executive department, and one for each of the departments of the secretary of the Commonwealth, treasurer and receiver-general, auditor, adjutant-general, and to the State library; one to the library of congress; one to the State department at Washington; one to the Smithsonian Institution; one copy to the State library of each State in the Union; one copy each to every public library duly incorporated within this Commonwealth, and one copy each to the editor of said volumes and his assistants, and one volume to each justice of any court of record in this Commonwealth.

General Court records, 500 additional copies to be printed.

Resolved, That the governor of the Commonwealth cause to be printed five hundred additional copies of the first five volumes of the General Court Records of Massachusetts.

Disposal of same.

Resolved, That the said volumes of the General Court Records of Massachusetts, as printed, be also committed to the secretary of the Commonwealth to be delivered as follows, viz.: one copy of each of said volumes to be furnished to the governor and lieutenant-governor, respectively, and to each member of the executive council for the present political year, the senate and house of representatives, and the clerks and chaplains of the two branches; the sergeant-at-arms and his officers, and the reporters of the two branches; one to the executive department, and one for each of the departments of the secretary of the Commonwealth, treasurer and receiver-general, auditor, and adjutant-general; one copy each to every public library duly incorporated within this Commonwealth. [*Approved by the Governor, March 24, 1855.*]

Resolve in favor of the Guardian of the Tribe of Punkapoag Indians, for the support of Elizabeth Bancroft. *Chap. 20.*

Resolved, For the reasons set forth in his petition, that there be allowed, and paid out of the treasury of the Commonwealth, to the guardian of the tribe of Punkapoag Indians, for the sole use of Elizabeth Bancroft, a member of said tribe, being in feeble health, the sum of fifty dollars from March twelfth, eighteen hundred and fifty-four, to March twelfth, eighteen hundred and fifty-five, and thereafter the sum of one dollar per week, to be paid semi-annually, during the term of her natural life; and that warrants be drawn accordingly. [*Approved by the Governor, March 26, 1855.*]

\$50 to March, '55, and then \$1 per week to be paid to the guardian of Elizabeth Bancroft, during her natural life.

Resolve in favor of the Adams Bank.

Chap. 21.

Whereas, It appears that the cashier of the Adams Bank, on the first Monday of October, in the year one thousand eight hundred and fifty-four, deposited in the post office, in North Adams, in which place said bank is located, two hours before the leaving of the mail, the returns required from said bank, by virtue of the three hundred and seventh chapter of the act concerning the publication of the condition of banks, approved April fifteenth, in the year one thousand eight hundred and fifty-four, which said returns failed to reach the office of the secretary of the Commonwealth, to whom they were directed, without fault on the part of the officers of said bank, therefore,

Resolved, That in the case and for the reasons set forth in the preamble, said Adams Bank shall not be held liable to forfeit to the use of the Commonwealth the penalty imposed by the sixth section of the three hundred and seventh chapter of the act concerning the publication of the condition of banks, approved April fifteen, in the year one thousand eight hundred and fifty-four. [*Approved by the Governor, March 26, 1855.*]

Forfeiture remitted to the Adams Bank.

Resolves for the appointment of Commissioners to establish the Boundary Line between Northampton and Easthampton. *Chap. 22.*

Resolved, That two commissioners be appointed by his excellency the governor, by and with the advice and consent of the council, whose duty it shall be, after having duly notified the clerks of the towns of Northampton and Easthampton, to establish the boundary line, now in dispute, between the towns of Northampton and Easthampton, along the bed of the Connecticut River, and duly report the same.

Commissioners to establish boundary line.

Towns to defray
expense.

Resolved, That the said towns of Northampton and East-hampton shall be required to defray the expense of said commission, each of said towns paying one-half of said expenses. [*Approved by the Governor, March 26, 1855.*]

Chap. 23.

Resolve on the Petition of the Town of Barnstable.

Town authorized
to appropriate
money for erec-
tion of a monu-
ment, etc.

Resolved, For the reasons set forth in said petition, that the inhabitants of the town of Barnstable are hereby authorized, at any legal meeting, duly notified, and held for that purpose, to appropriate such sum of money as may be voted, by three-fourths of the voters present and voting thereon, for the purpose of aiding in the erection of a monument to the memory of James Otis, the revolutionary patriot. [*Approved by the Governor, March 26, 1855.*]

Chap. 24.

Resolve in favor of Lyman Webster.

\$40 a year for in-
juries, etc., while
performing mili-
tary duty.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Lyman Webster, of Tyringham, the sum of forty dollars a year during the remainder of his life, for injuries sustained by him while in the performance of military duty; the same to be paid semi-annually, from and after the first day of May, in the year one thousand eight hundred and fifty-four; and that war-rants be drawn accordingly. [*Approved by the Governor, March 31, 1855.*]

Chap. 25.

Resolve concerning the Attorney-General's Office.

\$200 a year for
clerical assist-
ance.

Resolved, That the attorney-general be authorized to employ such clerical assistance as may be necessary in preparing for the use of the legislature, the abstracts of the annual reports of the district-attorneys, and for the despatch of the public business in said office, the expense thereof not to exceed two hundred dollars per year. [*Approved by the Governor, April 6, 1855.*]

Chap. 26. Resolves concerning the Fugitive Slave Act of eighteen hundred and fifty.

Fugitive slave act
a violation of the
constitution.

Resolved, Inasmuch as there is neither any power granted to the general government in the constitution of the United States, for the enactment of any law by congress for the return of alleged fugitive slaves, nor any prohibition therein to the States against the passage of laws upon that subject, that the fugitive slave act is a direct violation of the tenth article of amendments to the constitution of the United States, which declares that the powers not delegated to the

United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Resolved, That our senators and representatives in congress be requested to use all honorable means to secure the unconditional repeal of the fugitive slave act of eighteen hundred and fifty, which is hostile alike to the provisions of the national constitution and to the dictates of the Christian religion; an infraction equally of the "supreme law of the land," and of the "higher law" of God in consonance therewith.

Senators and representatives requested to urge its repeal.

Resolved, That his excellency the governor, be requested to transmit a copy of these resolutions to each of the senators and representatives of Massachusetts in the congress of the United States. [*Approved by the Governor, April 6, 1855.*]

Transmission of resolves.

Resolve for the Pay of the Chaplains of the Senate and House of Representatives. *Chap. 27.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplains of the senate and house of representatives, each, the sum of two hundred dollars, for their services during the present session, and that warrants be drawn accordingly. [*Approved by the Governor, April 6, 1855.*]

Chaplains to receive \$200 each.

Resolve to reimburse to certain Banks, Moneys forfeited and paid by them to the Commonwealth. *Chap. 28.*

Resolved, For reasons set forth in the petitions of the several banks hereinafter named, that there be paid said banks, out of the treasury of the Commonwealth, the following sums, viz.: To the Falmouth Bank, of Falmouth, county of Barnstable, five hundred dollars; to the Milford Bank, of Milford, county of Worcester, five hundred dollars; to the Naumkeag Bank, of Salem, county of Essex, five hundred dollars; to the Mechanics' Bank, of Newburyport, county of Essex, five hundred dollars; to the Rockport Bank, of Rockport, county of Essex, five hundred dollars; to the Hingham Bank, of Hingham, county of Plymouth, five hundred dollars; to the Attleboro' Bank, of Attleboro', county of Bristol, five hundred dollars,—being the amounts paid by said corporations to the treasurer of the Commonwealth, for neglect in not complying with the requirements of the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four, in relation to the transmission to the secretary of

Remission of fines to certain banks.

State of the regular monthly statement of the condition of the banks in the month of October last; and the governor is hereby authorized to draw his warrant for the same. [*Approved by the Governor, April 10, 1855.*]

Chap. 29.

Resolve relating to Duties on Foreign Coal.

Repeal of coal duties.

Resolved, That the senators and representatives of this Commonwealth in the congress of the United States, be requested to use their influence to obtain the repeal of all laws requiring duties on foreign coal.

Transmission of resolves.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolve to each of the senators and representatives of this Commonwealth in the congress of the United States. [*Approved by the Governor, April 18, 1855.*]

Chap. 30. Resolves concerning Naturalization and the Nationalizing of the General Government.

Republican institutions adapted to an intelligent people.

Resolved, That the political institutions of our National and State governments are based upon a peculiar system, very distinct in its general spirit and principles from the governmental policy of the older nations of the earth. This system necessarily presupposes a state of society and concurrent public opinion that have never, as yet, had any existence elsewhere. Both theory and practice conclusively prove that republican institutions are especially adapted to an educated and intelligent people—a people capable of, and in some measure, at least, accustomed to, the exercise of self-government, which is its distinguishing and essential characteristic. A popular organization of government requires as its basis the previous and assured existence of that sound and progressive social condition which it is its great object to cherish and to carry along to the highest possible stage of prosperity and advancement.

To be controlled by free men.

Resolved, That sound philosophy and practical experience alike declare, that free institutions can be safely confided only to the control of free men—of men free from the delusions and darkness of ignorance, and free from the abject depression caused by religious, personal and political despotisms.

Aliens incapable of appreciating the privileges of popular institutions.

Resolved, That foreigners born under influences hostile to such popular institutions, and trained up in a state of society incompatible with them, can in general have no sober appreciation of their privileges, and no sufficient comprehension of their true character and purposes, and that aliens

are therefore commonly incapable of exercising the full franchise of a citizen of our republic, with advantage to themselves, or safety to others.

Resolved, That we recommend these important truths to the consideration of our delegation in congress, and request them to use their endeavors to procure such alteration in the naturalization laws as will extend the term of residence now required as a prerequisite to entitle aliens born to the political rights and privileges of citizenship. And we further request them to exercise their influence to place the offices of the government, both at home and abroad, exclusively in the hands of native-born citizens (opposed to every kind of despotism,) as being at once the best entitled to the honors and emoluments thereof, and the best qualified to understand and promote the interest and sustain the dignity of the country.

Resolved, That the governor be requested to forward a copy of these resolves to each of the present members and members elect of the congressional delegation of this Commonwealth. [*Approved by the Governor, April 18, 1855.*]

Subject recommended to attention of delegates in congress.

Transmission of resolves.

Resolves on the Petition of Oliver Fosgate, Trustee.

Chap. 31.

Resolved, For reasons set forth in said petition, that Oliver Fosgate, of Berlin, in the county of Worcester, be, and he hereby is, authorized and empowered to sell, at either public or private sale, for cash, or on reasonable credit, and to convey in fee simple, by a good and sufficient deed, discharged of all trusts, all the following described real estate situate in Greenwich, in the county of Hampshire, containing one acre, more or less, with a dwelling-house standing thereon, and is the same estate which Andrew Harwood conveyed to Anna Johnson, late of Southborough, deceased, by deed recorded in the registry of deeds for the county of Hampshire, book one hundred twenty-one, page one hundred eighty-two: *provided*, the said Fosgate shall first give bond with sureties to the satisfaction of the judge of probate for the county of Worcester, to apply and account for the purchase money for said estate, agreeably to the will and deed mentioned in said petition.

Authorized to sell real estate.

Proviso.

Resolved, That the said Fosgate be, and he hereby is, authorized to hold and apply the principal and income of said purchase money agreeably to the provisions of said will, or to invest said purchase money in the purchase of other real estate, to be held by him in trust to the same

Proceeds, how disposed of.

uses and purposes as he now holds the estate to be by him conveyed under the foregoing resolve. [*Approved by the Governor, April 21, 1855.*]

Chap. 32.

Resolve on the Petition of the Union Charitable Society.

Authorized to sell and convey estate, etc.

Resolved, For the reasons set forth in said petition, that the Union Charitable Society be, and they are hereby, authorized to sell the real estate of said society, and to convey the same by good and sufficient deeds, and to invest the proceeds, under the direction of the standing committee of said society, in trust for the benefit of said society. [*Approved by the Governor, April 21, 1855.*]

Chap. 33.

Resolve in favor of the Herring Pond Indians.

\$50 for support of school.

Resolved, That, for reasons set forth in the petition, there be allowed and paid out of the school fund of this Commonwealth, to the treasurer of Herring Pond Indians, the sum of fifty dollars, to aid in the support of the school among the Herring Pond Indians; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 21, 1855.*]

Chap. 34.

Resolve on the Petition of James Leeds.

Executor authorized to sell certain real estate.

Resolved, For the reasons set forth in said petition, that James Leeds, of Boston, in the county of Suffolk, executor and trustee under the will of John Howe, late of said Boston, is authorized to sell, either by public auction or private sale, and pass deeds to convey in fee simple to the purchaser or purchasers, the following described parcel of land, situated in said Boston on North Street, formerly called Ann Street, bounded and described as follows, viz.: easterly on said street, there measuring eighteen feet three inches; southerly on an alley or passage-way, there measuring eighty feet; westerly on land of the heirs of John Neat, there measuring twenty feet; northerly on land now or late of John Cookson, there measuring eighty feet; together with the privilege of the passage-way on the south side of said lot to and from said street and to and from the rear of said premises, which passage-way is five feet wide in front and ten feet wide in the rear, and the privilege of the well and pump standing on said passage-way; also all the privileges and appurtenances to said lot belonging, being the same premises conveyed by George W. Taylor and others to John Howe, by deed dated June fourth, one thousand eight hundred and twenty-five, and recorded with Suffolk

deeds, lib. three hundred, fol. two hundred seventy-six. That the money received from the sale of said estate be again invested in a suitable and safe manner in this Commonwealth, by the said Leeds, and by him held instead and in place of said real estate under said will, the rents, profits and income therefrom to be paid to Ann Howe, widow of said John Howe, during her natural life, and at her decease the same be distributed, paid over, or disposed of according to, and under the provisions of said will: *provided, however,* Proceeds, how invested. that said Leeds shall first give such bond, with sureties, to the judge of probate, for the time being, of the county of Suffolk, as said judge shall approve, conditioned faithfully to execute all and singular the powers aforesaid, and to invest, hold, apply and dispose of the proceeds of sale, and the income thereof, in way and manner aforesaid. *Provided, also,* Proviso. that before such sale a guardian shall be duly appointed for Ann M. Howe, grand-daughter of said John Howe, and said guardian shall first file in the probate office of said county of Suffolk his said guardian's consent in writing to said sale. *[Approved by the Governor, April 21, 1855.]* Provided, also.

Resolves on the Petition of the Selectmen of Marshpee.

Chap. 35.

Resolved, That there be appropriated and paid, from the treasury of the Commonwealth, the sum of five hundred dollars for the proprietors of the District of Marshpee, for the purpose of repairing the meeting-house at Marshpee, the same to be expended under the direction of the selectmen and the missionary of the district and parish of Marshpee; said money to be paid to the treasurer of said district, and by him paid out upon the orders of the said selectmen, for the above provided purpose, and no other. \$500 for repairing meeting-house.

Resolved, That there be appropriated and paid, from the treasury of the Commonwealth, the sum of two hundred and fifty dollars, for the purpose of enlarging and repairing the school-house in the district of Marshpee, situated in the northern part of said Marshpee; and the sum of seventy-five dollars, for repairs on the school-house situated in the southern school district of said district of Marshpee, which school-houses were erected by the Commonwealth in the year one thousand eight hundred and thirty, for the use and benefit of the Marshpee Indians. The said sums to be expended under the direction of the selectmen of said district, and to be paid to the treasurer thereof, and by him paid out, upon the order of said selectmen, for the above provided purpose, and no other. \$325 for repairing school-houses.

\$165 annually for
the support of
schools.

Proviso.

Selectmen to
make returns.

Resolved, That, in addition to the sums now paid, there be allowed and paid out of the school fund to the selectmen of Marshpee the sum of one hundred and sixty-five dollars, on the first day of January, annually, to be applied by the selectmen in aid or support of common schools in said district, in proportion to the average number of attendance of scholars in each school in said district of Marshpee: *provided*, that the district of Marshpee shall annually raise the sum of seventy-five dollars, to be appropriated in the same manner; and if the said district in any year shall fail to raise and appropriate the said sum of seventy-five dollars on their part, then the above sum of one hundred and sixty-five dollars shall not be paid for the year next succeeding that in which such failure shall take place. And it shall be the duty of the selectmen in each year to make a return of the condition of the schools in said district, and of the moneys expended therein, in the form and manner prescribed in the act providing for the distribution of the income of the Massachusetts school fund. [*Approved by the Governor, April 26, 1855.*]

Chap. 36.

Resolve in aid of the American Institute of Instruction.

\$300 annually for
five years.

Resolved, That there be paid, annually, in the month of August, for the term of five successive years, to the directors of the American Institute of Instruction, the sum of three hundred dollars; and that warrants be drawn accordingly. [*Approved by the Governor, April 26, 1855.*]

Chap. 37.

Resolve in favor of Johnson Gardner.

\$37 allowed.

Resolved, That there be paid out of the treasury of this Commonwealth, to Johnson Gardner, of Seekonk, the sum of thirty-seven dollars, in full for services rendered and expenses incurred while acting under the commission of his excellency the governor, in the case of Leander Dunwell; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 26, 1855.*]

Chap. 38.

Resolve on the Petition of Abraham Brown.

\$40.50 allowed.

Resolved, For reasons set forth in said petition, that there be allowed, and paid out of the treasury of this Commonwealth, to Abraham Brown, the sum of forty dollars and fifty cents, for remuneration for services in the last sickness of Nabby Lathan, an Indian of the Chappaquiddick

tribe; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 26, 1855.*]

Resolve in favor of the Indigent Insane.

Chap. 39.

Whereas, Miss Dora L. Dix, of Massachusetts, has for many years perseveringly labored for the benefit of the indigent insane, and was instrumental in proposing to the late congress of the United States a bill to grant twelve million acres of the public lands, to be apportioned, *pro rata*, among the several States of our Union, for the benefit of the indigent insane; and whereas the said bill passed the United States senate by a vote of twenty-five yeas to twelve nays, and the house of representatives by a vote of eighty-one yeas to fifty-three nays, yet it failed to become a law, in consequence of the veto message of the president of the United States:

President's veto of the bill appropriating 12,000,000 acres of land for indigent insane.

Resolved, Therefore, by the senate and house of representatives, in general court assembled, that our senators in congress be instructed, and our representatives be requested, to use all consistent and constitutional means to effect the passage of an act similar to that above mentioned. [*Approved by the Governor, April 27, 1855.*]

Senators and representatives to use all consistent means for passage of a similar act.

Resolve on the Petition of Ezekiel Dill and Joshua Lincoln.

Chap. 40.

Resolved, For reasons set forth in said petition, that there be allowed and paid, out of the treasury of this Commonwealth, to the said petitioners, citizens of Eastham, in the county of Barnstable, the sum of fifty dollars each; and that the governor be authorized to draw his warrant for the same. [*Approved by the Governor, April 27, 1855.*]

\$50 each allowed.

Resolve granting Taxes for the several Counties.

Chap. 41.

Resolved, That the sums placed against the names of the several counties in the following schedule be, and hereby are, granted as a tax for each county, respectively, to be assessed, paid, collected and applied, according to law, namely:

County taxes.

Essex, seventy-eight thousand seven hundred twenty dollars.

Middlesex, eighty-three thousand two hundred sixty-four dollars.

Worcester, sixty thousand dollars.

Hampshire, twenty thousand dollars.

Hampden, twenty-nine thousand dollars.

Franklin, eighteen thousand dollars.

Berkshire, twenty thousand dollars.

Norfolk, fifty-five thousand dollars.

Plymouth, twenty thousand dollars.

Bristol, thirty-five thousand dollars.

Barnstable, eight thousand two hundred dollars.

Dukes county, three thousand five hundred dollars.

And this resolve shall take effect from and after its passage. [*Approved by the Governor, April, 27, 1855.*]

Chap. 42. Resolve concerning the procurement of Books, &c., for the use of the inmates of various Public Charitable Institutions of this Commonwealth.

\$150 each, to procure books, etc.

Resolved, That there be appropriated to each of the following institutions, viz.:—the State Lunatic Hospital at Taunton, the State Almshouse at Tewksbury, the State Almshouse at Bridgewater, the State Almshouse at Monson, the State Hospital at Rainsford Island, the State Reform School for Boys at Westborough, and the State Reform School for Girls, whenever the same shall have gone into operation, the sum of one hundred and fifty dollars, for the procurement of suitable books and other reading matter for the use of the inmates of said institutions, and that the trustees and inspectors of said establishments be authorized to expend, annually, hereafter, from the appropriation for current expenses, a sum, at their discretion, not to exceed seventy-five dollars for each of the aforesaid institutions, for the purpose aforesaid. [*Approved by the Governor, April 27, 1855.*]

Trustees to expend \$75 annually, for the same purpose.

Chap. 43. Resolves relating to the proposed Articles of Amendments of the Constitution.

Resolved, That the following articles of amendment of the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption.

FIRST ARTICLE OF AMENDMENT.

Elections by the people to be by plurality of votes.

In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

SECOND ARTICLE OF AMENDMENT.

Time of annual election of governor, etc.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the

Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden for that purpose, on the fourth Monday of the same month of November.

THIRD ARTICLE OF AMENDMENT.

Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January, he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives, on the said first Wednesday in January, to

Eight councillors to be chosen by the people.

Legislature to divide State.

Qualification of councillors.

Day and manner of election, etc.

Vacancies, how filled.

Organization of the government.

be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

FOURTH ARTICLE OF AMENDMENT.

Election of secretary, treasurer, auditor, and attorney-general, by the people.

Vacancies, how filled.

On neglect to accept, office to be deemed vacant.

Qualifications requisite.

The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease in the mean time of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall, in like manner, be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

FIFTH ARTICLE OF AMENDMENT.

All moneys raised by taxation, in the towns and cities, for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own schools.

School moneys not to be applied to sectarian schools.

SIXTH ARTICLE OF AMENDMENT.

The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe, by general law, for the election of certain officers by the people.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on the fourth Wednesday, being the twenty-third day of May next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against each of the said articles of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall, in open meeting, receive, sort, count and declare the votes of the inhabitants for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out, under the hands of the mayors and aldermen of the several cities, and of the selectmen, or the major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meeting, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same, or the said mayors and aldermen, and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings: *provided*, that in the several cities the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto.

Meetings for adoption of amendments.

Mode of voting on
amendments.

Resolved, That each of the said articles shall be considered as a distinct amendment, to be adopted in the whole, or rejected in the whole, as the people shall think proper. And every person, qualified to vote as aforesaid, may express his opinion on each article as designated by its appropriate number, without specifying in his ballot the contents of the article, and by annexing to each number the word yes or no, or any other words of the same import; but the whole shall be written or printed on one ballot in substance as follows, to wit: Amendments—article first, yes or no; article second, yes or no, &c., to article sixth, yes or no. And every article that shall appear to be approved by a majority of the persons voting thereon, shall be deemed and taken to be ratified and adopted by the people.

Governor and
council to ex-
amine returns.

Resolved, That his excellency the governor and the council, shall, forthwith, open and examine the votes returned as aforesaid; and if it shall appear that said articles of amendment, or either of them, have been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to their numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

Governor to issue
proclamation.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith, after examination of the votes returned as aforesaid, reciting the said articles of amendment, or either of them, and announcing that said articles of amendment, or either of them, have been duly adopted and ratified by the people of this Commonwealth, and have become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said articles of amendment, or either of them, have been rejected, as the case may be.

Secretary to
transmit resolves
etc., to cities and
towns.

Resolved, That a printed copy of these resolves, including the said articles of amendment, and blank forms of the returns of votes on each of said articles, shall be transmitted, as soon as may be, by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and to the selectmen of the several towns, of this Commonwealth.
[Approved by the Governor, May 1, 1855.]

Resolve in favor of Harvey Fowler.

Chap. 44.

Resolved, That for the reasons set forth in said petition, there be allowed and paid, out of the treasury of the Commonwealth, to the said Harvey Fowler, the sum of three hundred and forty-five dollars and twenty-five cents, the same being an unpaid balance due him under a contract for reporting the debates of the late convention for revising the constitution of the State, and that a warrant will be drawn accordingly. [*Approved by the Governor, May 2, 1855.*]

Resolve in aid of the Female Medical Education Society.

Chap. 45.

Resolved, That there be paid out of the treasury of the Commonwealth, to the Female Medical Education Society, in aid of its institution, the New England Female Medical College, the sum of ten thousand dollars, to be paid in four annual payments on the first of January, commencing in eighteen hundred and fifty-six; this sum to be applied in providing a suitable building, library, apparatus and other necessary furniture and fixtures, and in otherwise promoting the objects of the society and its institution; and that the governor be authorized to draw his warrant therefor: *provided*, an equal sum be raised for the same purpose from other sources. [*Approved by the Governor, May 2, 1855.*]

\$10,000 in four annual payments.

Proviso.

Resolve on the Petition of Arad Denison.

Chap. 46.

Resolved, That for reasons set forth in said petition, there be allowed and paid out of the treasury of the Commonwealth, to Arad Dennison, of Leyden, the sum of forty dollars, annually, for the term of five years from the eighteenth day of March, in the year one thousand eight hundred and fifty-five; the same to be paid in semi-annual instalments of twenty dollars each, and the governor is requested to draw his warrant accordingly. [*Approved by the Governor, May 2, 1855.*]

\$40 annually for five years.

Resolve on the Petition of Increase N. Emerton.

Chap. 47.

Resolved, That for reasons set forth in said petition, there be allowed and paid, out of the treasury of the Commonwealth, to Increase N. Emerton, of Lynn, in the county of Essex, the sum of forty dollars, annually, for the term of five years from the fifth day of April, in the year eighteen hundred and fifty-five; the same to be paid in semi-annual

\$40 annually for five years.

instalments of twenty dollars each, and the governor is hereby authorized to draw his warrant therefor. [*Approved by the Governor, May 2, 1855.*]

Chap. 48.

Resolves in favor of Normal Schools and School Agents.

\$1,500 to purchase right in school-house at Westfield.

Resolved, That fifteen hundred dollars be appropriated to purchase for the State the right which a school district in Westfield has to the use of the lower story of the State Normal School-house in said town.

\$1,000 for further improvements in Framingham normal school.

Resolved, That one thousand dollars be appropriated to defray the expense of further grading, fencing and improving the grounds of the Framingham State Normal School, and of providing such additional conveniences as the board of education shall find necessary.

\$13,000 annually, for three years, to the support of four State normal schools.

Resolved, That the sum of thirteen thousand dollars be appropriated, annually, for a period of three years from the first day of January, eighteen hundred and fifty-six, to the support of the four State Normal Schools, under the direction of the board of education; the said amount to be taken from the income of the school fund, according to the provisions of the act of the year one thousand eight hundred and fifty-four, chapter three hundred, section third, and that the governor be authorized to draw his warrants on the treasury accordingly.

\$500 for travelling expenses, etc.

Resolved, That five hundred dollars be appropriated to pay the travelling expenses of the persons appointed by the board of education to visit the towns and school districts of the State, in addition to the sum appropriated for their support by the resolve of March seventeenth, eighteen hundred and fifty-three. [*Approved by the Governor, May 2, 1855.*]

Chap. 49.

Resolve concerning the Printing for the Commonwealth.

Secretary, etc., to contract with William White to execute the State printing.

Resolved, That the secretary of the Commonwealth, and the clerks of the senate and house of representatives be directed to contract with William White, in the name and on behalf of the Commonwealth, that said White shall execute the printing for the various departments for one year from the first day of April current, at rates corresponding with the ruling market prices: *provided*, that bonds satisfactory to the secretary, to the amount of five thousand dollars, be given by said White for the faithful performance of said contract. [*Approved by the Governor, May 3, 1855.*]

Resolve for the payment of the Contingent Expenses of the Council, Legislature, and Offices in the State House, for the year one thousand eight hundred and fifty-five. *Chap. 50.*

Resolved, That there be paid out of the treasury of the Commonwealth to the sergeant-at-arms, a sum not exceeding two thousand five hundred dollars, to enable him to defray certain contingent expenses of the council, general court, and offices in the State House, for the present year, and also to pay any sum for the same purposes not covered by the appropriation in the year one thousand eight hundred and fifty-four. [*Approved by the Governor, May 3, 1855.*]

Not exceeding
\$2,500 appropriated.

Resolve in favor of the Door-keepers, Messengers and Pages of the General Court. *Chap. 51.*

Resolved, That there be paid out of the treasury of the Commonwealth, to the door-keepers, messengers and pages of the general court, the sum of fifty cents per volume for filing the documents of the senate and house; also the journal for the members of the general court during the present session; and that a warrant be drawn accordingly. [*Approved by the Governor, May 3, 1855.*]

Fifty cents per
volume to pages,
etc., for filing doc-
uments.

Resolve on the Petition of Lydia Kinsman.

Chap. 52.

Resolved, That, for reasons set forth in said petition, there be allowed and paid out of the treasury of the Commonwealth to Lydia Kinsman, widow of Josiah Kinsman, the sum of fifty dollars; and that the governor draw his warrant for the same. [*Approved by the Governor, May 4, 1855.*]

\$50 allowed.

Resolve declaring when certain Lands in the State of Maine shall become forfeited to this Commonwealth. *Chap. 53.*

Resolved, That the land agent be, and is hereby, directed, as soon as may be after the first day of January next, to advertise in the Bangor Jeffersonian, Piscataquis Observer, Kennebec Journal, and Portland Advertiser, papers printed in Maine; also in the Boston Daily Bee, and Boston Evening Telegraph, a list of all tracts and parcels of land in the State of Maine on which there was an overdue at the time of the passage of this resolve, any notes or security given for the purchase money thereof, which shall not be paid before the publication of said notice; and he shall specify, in said advertisement, the notes and demands, the amount of principal due thereon, and the name or names of the promisors; and if said notes are not paid within one year from the

Land agent to ad-
vertise all tracts
of land in Maine,
on which notes
are overdue.

first day of January, eighteen hundred and fifty-six, all the tracts, townships, or parcels of land for which the aforesaid notes were given, shall be, and the same are hereby, declared forfeited to the Commonwealth, without any further time for redeeming the same, together with all the payments made thereon. [*Approved by the Governor, May 4, 1855.*]

When to be declared forfeited.

Chap. 54. Resolve concerning the Notifications of Meetings to which are to be submitted the proposed Articles of Amendment of the Constitution.

Meetings to be deemed legally notified.

Resolved, That the meetings to be held in the several cities and towns on the twenty-third day of May instant, to which are to be submitted the proposed articles of amendment of the constitution, shall be deemed to be legally notified, if due notice thereof be given on or before the nineteenth day of this present month of May, any thing in the resolves for submitting said amendments to the people, or in the by-laws of any city or town, to the contrary notwithstanding. [*Approved by the Governor, May 7, 1855.*]

Chap. 55. Resolves providing for the pay of the Council, Senate, and House of Representatives.

\$3 per day to each member, and travelling expenses.

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the senate and house of representatives, three dollars per day for each and every day's attendance during the present political year, and one dollar for every five miles' travel from their respective places of abode, once in each session, to the place of the sitting of the general court; and also to each member of the council three dollars for each and every day's attendance at that board, at each session thereof during the present political year, and one dollar for every five miles' travel from their respective places of abode, once in each session thereof; and to the president of the senate, and to the speaker of the house of representatives, each, the sum of three dollars per day for each and every day's attendance, in addition to their pay as members; and that warrants be drawn accordingly.

President of senate and speaker of house. \$3 per day extra.

\$10 per day to clerks.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the clerk of the senate, and to the clerk of the house of representatives, each, the sum of ten dollars per day; to the assistant clerk of the senate, and the assistant clerk of the house of representatives, each, the sum of eight dollars per day for each and every day they may have been employed during the present session of the present legislature, and the same sum per day

\$8 per day to assistant clerks.

as is herein provided for those officers for such further time as they may be employed, not exceeding twelve days after the rising of the general court, in arranging the papers and documents of the session; and that there be further paid to the clerk of the senate, and to the clerk of the house of representatives, the sum of three hundred dollars, each, for preparing duplicate copies of the journals for the library, as required by the orders of the two houses; and to the clerk of the house of representatives, such further sum as he may have paid for the preparation of the printed journal; and that warrants be drawn accordingly. *[Approved by the Governor, May 7, 1855.]*

Compensation for arranging documents, etc.

\$300 to each clerk for preparing duplicate copies of journals, etc.

Further sum.

Resolve authorizing the County Commissioners of Middlesex County to borrow a further sum of Fifty Thousand Dollars. *Chap. 56.*

Resolved, That the county commissioners for the county of Middlesex are hereby authorized and empowered to borrow, on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding fifty thousand dollars, the same to be expended by the said commissioners, or their successors in office, in providing a suitable jail for said county. *[Approved by the Governor, May 10, 1855.]*

May borrow \$50,000.

Resolve to provide for the expense of Fuel and Light for the State House. *Chap. 57.*

Resolved, That until otherwise ordered by the legislature, there be appropriated from the treasury of the Commonwealth and paid to the sergeant-at-arms, the sum of three thousand dollars per annum, to enable him to purchase fuel and pay for light for the State House. *[Approved by the Governor, May 10, 1855.]*

\$3,000 per annum appropriated.

Resolve in favor of the Massachusetts School for Idiots and Feeble-Minded Youth. *Chap. 58.*

Whereas, Accurate investigations disclose the existence of over one thousand idiotic persons, children of tender age, as well as adults, for whom common humanity demands our consideration, and whose affliction pleads for our aid; and

Idiotic persons.

Whereas, Religion and reason inculcate the duty and advantage of training and teaching *all* the young, while experience abundantly shows the capacity even of *idiots* for great improvement, and that many children of feeble intellects, who, by neglect or abuse, become idiotic, may, by skilful care, be saved and made self-supporting, while the whole class of unredeemable idiots may be rescued from brutal habits,

elevated in the scale of humanity, and made comparatively happy and useful; and

Whereas, An incorporated institution, called the Massachusetts School for Idiotic and Feeble-Minded Youth, has been in successful operation more than seven years, enjoying the patronage of the Commonwealth, and directed, in part, by trustees appointed by the State authorities; and

Whereas, It is desirable that said institution should be permanently established in a building suited to its purposes and wants; therefore,

\$25,000 appropriated for a suitable building, etc.

Resolved, That the sum of twenty-five thousand dollars be appropriated from the general revenue for purchasing a site and erecting a building for the Massachusetts School for Idiotic and Feeble-Minded Youth, to be expended under the direction of the trustees of said school, *upon condition* that said trustees shall, before the fourth of July next, raise the additional sum of five thousand dollars for supplying said building with furniture and apparatus; and that the governor be authorized to draw his warrant for the said sum of twenty-five thousand dollars as soon as he shall be satisfied of the ability of said trustees to fulfil said condition. [*Approved by the Governor, May 15, 1855.*]

Proviso.

Chap. 59.

Resolve in relation to the Enlargement of the State House.

\$39,000 to complete enlargement.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for completing the enlargement of the State House, the sum of thirty-nine thousand dollars, said sum to be expended under the direction of the commissioners who are or may hereafter be appointed to superintend said enlargement; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 15, 1855.*]

Chap. 60. Resolves in favor of giving additional powers to the Commissioners on Boston Harbor and Back Bay.

Commissioners to lay out streets, etc.

Resolved, That the commissioners on Boston Harbor and Back Bay be authorized to lay out and construct, such streets and sewers as they may find needful, across the basins and gravelly point in the Back Bay, and over or through so much of the upland adjoining the same, and in such manner as to connect their plan of sewers and streets with existing streets and sewers.

Authority to use mill dam, etc.

Resolved, That said commissioners, for the purpose of filling up the lands and flats of the Commonwealth and of other owners, may use, and authorize any other party

under their direction to use the "Mill Dam," the cross dams, all highways and such streets as are or may be laid out by said commissioners, and may thereon lay out, construct and use, or cause to be laid out, constructed and used, railways of single or double track, and may continue the same through or over lands across which it may be desirable to transport such materials: *provided, however*, that in any contract made for the construction or use of such railways, the said commissioners shall require the contractor to receive his compensation, not in money, but in land or flats of the Commonwealth, or in such other manner as may not involve the payment of money from the treasury.

Resolved, That said commissioners, with the approval of the governor and council, may contract with any railroad corporation for any such change in the location, direction and grade of its road in the Back Bay, as the public good may, in their opinion, require.

May contract with any railroad corporation.

Resolved, That before exercising the powers herein granted, said commissioners shall appoint a time and place for the hearing of all parties interested in the premises, and shall give at least twenty days' notice thereof, by publication in three or more newspapers printed in the city of Boston.

Notice to be given of hearing, etc.

Resolved, That any party who shall suffer damage by any thing done in pursuance of these resolves, may recover the same of the Commonwealth, by suit in the supreme judicial court, but such action must be commenced by summons served upon the attorney-general within one year after such damage has accrued; and in estimating such damage, the jury may diminish the same by estimating in compensation therefor the benefit accruing to the plaintiff from the acts complained of, and a verdict, with costs to the prevailing party, shall be rendered accordingly. All judgments thus recovered against the Commonwealth, shall be paid by the treasurer thereof. [*Approved by the Governor, May 15, 1855.*]

Damages, how recovered.

Resolves concerning the French Spoliations.

Chap. 61.

Whereas, On different occasions, Massachusetts has, in an official and constitutional manner, expressed the views of the Commonwealth in favor of the justice of the claims which numerous American citizens have against the government of the United States, in consequence of its assumption (according to the convention of eighteen hundred, ratified in eighteen hundred and one) of the claims for spoliations committed on

Claims for spoliation.

their commerce, through the authority of the government of France, previous to the thirtieth day of September, in the year eighteen hundred :

And whereas, The president of the United States has vetoed a bill for the payment of those claims, after it had received the sanction of a large majority of both branches of the national legislature during its recent session :

Opinions reiterated.

Therefore Resolved, That Massachusetts hereby reiterates her previously recorded opinions in favor of the justice of those long delayed claims, and also declares that the refusal of the United States government to indemnify the parties rightfully interested in them is a disgraceful repudiation of just obligations, and should receive the earnest protest of the people of each State anxious to preserve untarnished the national honor, and to maintain unsullied the national credit.

Transmission of :
copies, etc.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to the president of the United States, to the governor of each State, and to each senator and representative of Massachusetts in the national congress, with a request to use all honorable means to secure the passage of an act which shall render justice to the claimants on account of French spoliations. [*Approved by the Governor, May 15, 1855.*]

Chap. 62. Resolve in favor of the Perkins Institution and Massachusetts Asylum for the Blind.

\$12,000 a year to
Asylum for Blind.

Resolved, That the annual appropriation in favor of the Perkins Institution and Massachusetts Asylum for the Blind be increased from nine thousand dollars a year to twelve thousand dollars a year, commencing April first, eighteen hundred and fifty-five, and continuing until otherwise ordered by the legislature ; and that his excellency the governor be authorized to draw his warrant upon the treasurer of the Commonwealth in favor of the trustees of said institution, for said sum of twelve thousand dollars, annually, the same to be paid from the general revenue. [*Approved by the Governor, May 15, 1855.*]

Chap. 63.

Resolve in favor of the State Farm at Westborough.

\$6,000 to State
farm at Westbor-
ough.

Resolved, That the sum of six thousand dollars be, and the same is hereby appropriated for permanent improvements, including the completion of those already begun for testing the true value of fertilizers and the comparative profits of different animals, for meeting the current expenses

of the State Farm at Westborough, and to enable the Board of Agriculture to execute properly the contract with the trustees of the State Reform School.

Resolved, That the governor be, and he is hereby authorized, to draw his warrant for the above sum, to remain in the treasury subject to the drafts of the treasurer of the Board of Agriculture, as the exigencies of the farm may require. [*Approved by the Governor, May 17, 1855.*]

Resolve in favor of the State Prison.

Chap. 64.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of ten thousand dollars, to meet the existing deficiency in the expenses of the State Prison, for the year eighteen hundred and fifty-four; and that the governor be directed to draw his warrant accordingly. [*Approved by the Governor, May 17, 1855.*]

\$10,000 for existing deficiencies.

Resolve in favor of Companies disbanded by General Order Number Two
eighteen hundred fifty-five.

Chap. 65.

Resolved, That the sum of nine dollars be paid to each and every officer and private of the companies of the volunteer militia disbanded by general order number two, under date of January twelve, of the current year, who has been returned to the adjutant-general's office as having done duty in the company to which he belonged at any time during the year of eighteen hundred and fifty-four, according to law: *provided*, that the officers and members of such companies shall have respectfully obeyed and properly complied with the requisitions of said order within a reasonable time after the issue thereof.

Pay of officers and members of disbanded companies.

And the adjutant-general is hereby instructed to cause to be made out and forwarded to the mayor and aldermen or to the selectmen of the cities and towns in which the companies entitled to the payment aforesaid were located, a roll of the members thereof entitled to said payment, together with a copy of this resolve.

Adjutant-general to forward roll.

And the municipal authorities, as above named, are requested to notify, by advertisement or otherwise, the parties so entitled, and to pay to each of said parties, according to said roll, the sum of nine dollars, and to return said roll to the adjutant-general's office, together with proper vouchers for the payments made thereon and the necessary attendant expenses.

Roll to be returned.

And the adjutant-general is instructed thereupon to reim-

burse to the said municipal authorities the amount so paid by them.

Governor to issue warrant.

And his excellency the governor is hereby authorized and requested to issue to the adjutant-general a warrant upon the State treasury for the said amount: *provided, however*, that the said sum of nine dollars shall be claimed by the parties entitled thereto, in person or by lawful attorney, within sixty days from the issuing of notice by the municipal authorities aforesaid. [*Approved by the Governor, May 17, 1855.*]

Chap. 66. Resolve providing for Improvements at the State Lunatic Hospital at Taunton.

\$15,000 appropriated.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, for the erection of additional buildings and for other improvements at the State Lunatic Hospital at Taunton, the sum of fifteen thousand dollars, the same to be expended by the trustees of the hospital; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 17, 1855.*]

Chap. 67. Resolve for paying the Expenses of the State Reform School.

\$10,328 appropriated.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the State Reform School, to enable them to satisfy existing claims against the institution and to meet its current expenses, the sum of ten thousand three hundred and twenty dollars forthwith; and the further sum of thirty-nine thousand three hundred and eighty dollars, in payments of three thousand five hundred and eighty dollars, on the first day of each month, commencing with the month of May; and that the governor draw his warrants accordingly. [*Approved by the Governor, May 17, 1855.*]

\$39,380 additional

Chap. 68. Resolves in relation to the Preservation of Cape Cod Harbor.

Senators and representatives to use endeavors to procure appropriation.

Resolved, That the senators of this Commonwealth in the congress of the United States be instructed, and the representatives be requested, to use their earnest endeavors to procure the appropriation of twenty-five thousand dollars for the protection and preservation of Cape Cod Harbor.

Transmission of copies.

Resolved, That his excellency the governor be, and is hereby requested to transmit to each of the senators and representatives of this Commonwealth a copy of the fore-

going resolve, together with the report of the committee appointed to investigate said subject. [*Approved by the Governor, May 17, 1855.*]

Resolve on the Petition of Jemima Easton, an Indian at "Deep Bottom." *Chap. 69.*

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby authorized to appoint three persons to be commissioners, whose duty it shall be to examine and fully and finally determine, all titles and claims to a tract of land known as "Deep Bottom," and located in the town of Tisbury, on the Island of Martha's Vineyard, and claimed by the petitioner. And the said commissioners shall be, and hereby are, authorized and empowered to compromise, adjust, and fully and finally to settle, justly and equitably, and as the interests of the Commonwealth, the petitioner, and all other parties may require, all the matters, claims, and controversies now existing, growing out of, or in connection with, the possession of the aforesaid lands known as Deep Bottom; and they may use such means as may be necessary to collect all desired information in relation to the subject. And the commissioners shall cause this resolve to be published in the "Vineyard Gazette" newspaper, on two different days, and at least fourteen days prior to a day duly specified and appointed, upon which all parties interested may have a fair and impartial hearing. And with this resolve they shall publish a notice of such hearing, designating the time and place appointed. The commissioners shall make a report of their doings to the governor and council, and receive such compensation for their services as the governor and council shall deem reasonable, and a warrant may be drawn accordingly. [*Approved by the Governor, May 17, 1855.*]

Governor to appoint commissioners to determine all claims to "Deep Bottom" land.

Resolves relative to the Meetings to which are to be submitted the proposed Articles of Amendment of the Constitution. *Chap. 70.*

Resolved, That the meetings of the people in the various cities and towns of the Commonwealth, to which are to be submitted the proposed articles of amendment of the constitution for their ratification, shall be legal and valid, if held on the twenty-third day of May, in the year eighteen hundred and fifty-five, any thing in the resolves for submitting said amendments to the people, approved by the governor May first, eighteen hundred and fifty-five, or the date of said approval, to the contrary notwithstanding.

Meetings legal and valid.

Resolved, That the secretary of the Commonwealth be required to publish these resolves in all newspapers printed in this Commonwealth which may be able to publish the same after the passage of these resolves, and before said twenty-third day of May. [*Approved by the Governor, May 17, 1855.*]

Chap. 71.

Resolve in favor of the Watchmen at the State House.

Pay of watchmen

Resolved, That the watchmen of the State House be paid, from the treasury of the Commonwealth, one dollar and twenty-five cents per day, each, for their services as messengers during the present session of the legislature. [*Approved by the Governor, May 18, 1855.*]

Chap. 72.

Resolve concerning International Exchanges.

Exchanges terminated.

Resolved, That the existing arrangement between the Commonwealth and Mons. Alex. Vattemare, of Paris, for international exchanges, be terminated from and after the passage of this resolve. [*Approved by the Governor, May 18, 1855.*]

Chap. 73.

Resolve on the Petition of the City of Boston, relative to the Fees of Jurors.

\$41,584 95 to Suffolk county.

Resolved, That, for reasons set forth in the petition, there be paid, out of the treasury of the Commonwealth, to the treasurer of the county of Suffolk, the sum of forty-one thousand five hundred and eighty-four dollars and ninety-five cents, in full for all claims for expenses for criminal prosecution in the said county of Suffolk, from April, in the year one thousand eight hundred and forty-five, to September, in the year one thousand eight hundred and fifty-two, inclusive; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, May 18, 1855.*]

Chap. 74.

Resolve in favor of the Town of Rehoboth.

\$337 23 for support of Bradford Cummings.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the town of Rehoboth, the sum of three hundred and thirty-seven dollars and twenty-three cents, for expenses incurred in supporting Bradford Cummings; and that the governor draw his warrant accordingly. [*Approved by the Governor, May 18, 1855.*]

Resolve concerning the Quartermaster-General's Department.

Chap. 75.

Resolved, That the sum of four thousand five hundred and fifty dollars be, and the same is hereby appropriated, to defray the expenses of the quartermaster-general's department for the current year, and that warrants be drawn accordingly. [*Approved by the Governor, May 19, 1855.*]

\$4,550 for expenses of department

Resolve in aid of the State Hospital at Rainsford Island.

Chap. 76.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, for the enlargement of the female hospital, the erection of a workshop, a wash-room and laundry, the construction of a tomb, and for other necessary improvements at the State Hospital, on Rainsford Island, the sum of twenty thousand dollars, to be expended by the inspectors of the hospital, and that the governor be authorized to draw his warrant for the same, accordingly. [*Approved by the Governor May 19, 1855.*]

\$20,000 for improvements.

Resolve to provide for the Expenses of the Insurance Commissioners.

Chap. 77.

Resolved, That the Insurance Commissioners, appointed under the act of eighteen hundred and fifty-five, chapter one hundred and twenty-four, be authorized to expend a sum not exceeding two hundred and fifty dollars, in the purchase of furniture and such other things as may be necessary in the establishment of their office, and that they be allowed a sum, not exceeding three hundred dollars, annually, for rent and other office expenses. [*Approved by the Governor, May 19, 1855.*]

\$250 for furniture, etc.

\$300 annually for rent, etc.

Resolve in favor of the State Almshouses.

Chap. 78.

Resolved, That the sum of thirty-six thousand dollars be, and the same is hereby appropriated, to be applied by the inspectors of the several State almshouses, in the following manner, to wit: To the State Almshouse at Tewksbury, the sum of twelve thousand dollars, for the purposes of repairing, ventilating and erecting a separate building for cooking and laundry purposes, erecting a tomb, and furnishing facilities for giving employment to the able-bodied inmates of said institution; to the State Almshouse at Bridgewater, for similar purposes, the sum of eleven thousand and six hundred dollars; to the State Almshouse at Monson, the sum of twelve thousand and four hundred dollars, to pay debts left unpaid by the building commissioners, and also for the purposes of erecting a cookery, laun-

\$36,000 appropriated.

dry, shed, and the purchase of farming utensils; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, May 19, 1855.*]

Chap. 79.

Resolve in favor of P. F. Williston.

\$500 allowed.

Resolved, For reasons set forth in the petitions of Thomas Russell and others, that there be paid, out of the treasury of the Commonwealth, to P. F. Williston, of Boston, the sum of five hundred dollars; and the governor is requested to draw his warrant accordingly. [*Approved by the Governor, May 19, 1855.*]

Chap. 80.

Resolve in favor of the City of Fall River.

\$1,982.42 allowed.

Resolved, That, for reasons set forth in the petition of the board of health of the city of Fall River, and agreeably to an act passed April twentieth, in the year one thousand eight hundred and thirty-seven, entitled, "An Act concerning the Public Health," there be allowed and paid out of the treasury of the Commonwealth, to the city of Fall River, the sum of one thousand nine hundred eighty-two dollars and forty-two cents; and that the governor draw his warrant accordingly. [*Approved by the Governor, May 19, 1855.*]

Chap. 81.

Resolve in regard to the Enlargement of the State House.

Commissioners to surrender building to sergeant-at arms on completion.

Resolved, That when any rooms in the newly erected part of the State House shall be completed, the commissioners shall surrender the care of the same to the sergeant-at-arms; and whenever the said commissioners shall have expended the money now appropriated to complete said enlargement, they shall surrender the entire building to the sergeant-at-arms, and he shall thereafter exercise the same powers, and perform the same duties, in relation thereto, as he is now required by law to do in relation to the care of the State House; and he may employ such additional assistance as may be necessary for that purpose. [*Approved by the Governor, May 21, 1855.*]

Chap. 82. Resolve authorizing the Treasurer to borrow Money in anticipation of the State Tax.

Treasurer may borrow money.

Resolved, That the treasurer be authorized to borrow, in anticipation of the State tax, such sum of money as may be necessary, from time to time, for the payment of any public debt which may fall due in the present year, and that he repay any sum he may borrow as soon as money sufficient for the

purpose, and not otherwise appropriated, shall be received into the treasury: *provided*, that the whole amount borrowed by virtue of this resolve, and remaining unpaid, shall not, at any time, exceed the sum of four hundred and fifty thousand dollars. [*Approved by the Governor, May 21, 1855.*]

Resolves for the purchase of a Site, and the erection of Buildings thereon, *Chap. 83.*
for a State Reform School for Girls.

Resolved, That the commissioners, under the resolves of eighteen hundred and fifty-four be, and they are hereby, authorized and empowered to obtain by gift or purchase, and take a conveyance to the Commonwealth, of any lot of land containing not less than forty acres, which they may select and determine upon as an eligible site for a school, for the instruction, employment and reformation of exposed, helpless, evil-disposed and vicious girls, regard being had, in the selection thereof, to the centre of population, cheapness of living, and facility of access.

Resolved, That the said commissioners, or such other as may be appointed for this purpose by his excellency the governor, by and with the advice and consent of the council, be, and they are hereby, authorized and empowered, whenever a lot of land shall have been obtained and conveyed to the Commonwealth for said school, as contemplated in the above resolve, to erect or cause to be erected thereon, buildings suitable for the accommodation of not less than ninety, nor more than one hundred and twenty girls, and of all necessary officers, teachers and assistants, in conformity, substantially, with the report, system of organization and government and plans, submitted by them to this legislature; and that said commissioners shall have power to make all necessary agreements and contracts for, and to appoint agents to superintend the erection of the same. And said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, from time to time, as they shall deem just.

Resolved, That for the purpose of defraying the expenses to be incurred under the previous resolves, his excellency the governor be, and he is hereby, authorized, by and with the advice and consent of the council, to draw his warrants, from time to time, upon the treasurer of this Commonwealth, for the necessary sums of money, not exceeding in the whole the sum of forty thousand three hundred dollars, and such further amount, if any, in addition thereto, as

Commissioners to purchase site.

To erect suitable buildings.

Governor to draw warrants, not exceeding \$40,300.

may hereafter be deposited in the treasury of this Commonwealth for this purpose.

\$1,000 for improving and stocking land for current year.

Resolved, That for the purpose of preparing, improving and stocking the land which shall be obtained for the Commonwealth by the commissioners aforesaid, for the current year, the sum of one thousand dollars be appropriated, and that his excellency the governor be, and he hereby is, authorized to draw his warrant upon the treasurer of the Commonwealth for the same. [*Approved by the Governor, May 21, 1855.*]

Chap. 84. Resolve on the Petition of David Wilder, Jr., for authority to sell Real Estate, as Administrator of Jeremiah Robinson, late of Worcester.

May sell and convey real estate.

Resolved, For the reasons set forth in said petition, that David Wilder, Jr., of Brookline, in the county of Norfolk, administrator, with the will annexed of the estate of Jeremiah Robinson, late of Worcester, in the county of Worcester, deceased, be, and he is hereby, authorized and empowered to sell, either at public or private sale, and to convey in fee simple, by good and sufficient deeds, discharged from all trusts and liability for the application of the purchase money, all of the remaining real estate of which the said Jeremiah Robinson died seized, situated in said Worcester, and which by the said Robinson's last will and testament, was devised to divers persons specified in said will: *provided, however*, that the said Wilder shall first give such bond, with sureties, to the judge of probate, for the time being, of said county of Worcester, as the said judge shall approve, conditioned faithfully to exercise all and singular the powers hereby granted, and that he will pay over the proceeds, in full, to Artemas Ward, Esquire, trustee, appointed in and by the said Robinson's will, or his successor or successors in said capacity, immediately after receiving the same: and *provided*, *further*, that the said trustee or trustees shall first give satisfactory bonds to the said judge of probate, that he and they will dispose of, and pay over the said proceeds to the same persons who would have been entitled to said real estate under the provisions of said Robinson's will, and will pay over the income on said proceeds to the persons who would have been entitled to the income or rents and profits of such real estate had there been no such sale or proceedings as hereby authorized. [*Approved by the Governor, May 21, 1855.*]

Proviso.

Provided, further

Resolves in relation to the Territory of Kansas.

Chap. 85.

Whereas, The territory of Kansas, on occasion of the first two elections therein, has been violently invaded by an armed mob from the neighboring State of Missouri, the persons composing the said mob not only claiming themselves, without the least shadow of right, to vote at the said elections, but by high-handed violence and threats of death, deterring the citizens of the said territory from the exercise of their right of suffrage, therefore,

Right of suffrage violated by mob.

Resolved, That we respectfully call upon the law-abiding citizens of Missouri, and upon the executive and legislature of that State, speedily to disavow this gross outrage, perpetrated by some of their ill-advised citizens, and to take prompt measures to prevent its repetition by them.

Measures to prevent repetition.

Resolved, That we call upon the president of the United States to take instant and effectual measures for sustaining, in Kansas, the sovereignty of the people against the violence and incursions of mobs from Missouri.

Call upon president to maintain sovereignty of the people.

Resolved, That this Commonwealth is ready, if necessary, to aid, with her whole power, the governor of Kansas, and the people of that Territory, or of any other Territory or State, in support of constitutional rights, by whomsoever infringed.

Aid in support of constitutional rights.

Resolved, That his excellency the governor, be requested to transmit a copy of these resolves to the governor of each of the States and Territories, and another to the president of the United States, and that our senators and representatives in congress be requested to use all honorable efforts to secure to the people of Kansas their just constitutional rights. [Approved by the Governor, May 21, 1855.]

Transmission of resolves.

Resolve in favor of David Choate.

Chap. 86.

Resolved, That for reasons set forth in the petition of David Choate, there be paid to him, from the treasury of the Commonwealth, the sum of fifty-three dollars and seventy-four cents, and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, May 21, 1855.]

\$53.74 allowed.

Resolve concerning Repairs upon the State House.

Chap. 87.

Resolved, That the committee on public buildings be authorized to make alterations in the rooms now occupied by the governor and council, the secretary of the Commonwealth, the State auditor, State treasurer, adjutant-general, land office, and the rooms occupied for the library, and

\$15,000 appropriated.

appropriate any of said rooms, when so altered, to such purposes as shall be approved by the governor and council; and the said committee, in conjunction with the sergeant-at-arms, are authorized to expend, for said alterations and the necessary incidental repairs upon the State House, and for the purchase of necessary articles of furniture, during the present year, for the use of the legislature and the various offices connected therewith, the sum of fifteen thousand dollars; and the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, May 21, 1855.*]

Chap. 88. Resolve providing for refunding certain Fines, Penalties and Forfeitures to Cities and Towns.

Certain fines, etc.
to be refunded to
cities and towns.

Resolved, That all fines, penalties and forfeitures, paid upon final judgment rendered by any court or justice of the peace in this Commonwealth, in cases arising out of a violation of the three hundred and twenty-second chapter of the acts of the year eighteen hundred and fifty-two, and which, by the provisions of said chapter, go to the cities and towns wherein the offence was committed, but which have been received into the treasury of the Commonwealth, shall be paid over, by the treasurer and receiver-general, to the several cities and towns that are respectively entitled thereto, by the provisions of said act. [*Approved by the Governor, May 21, 1855.*]

Chap. 89.

Resolve on the Petition of George W. Livermore.

Guardian author-
ized to execute
deed of certain
real estate.

Resolved, That for reasons set forth in said petition, that George W. Livermore, of Cambridge, in the county of Middlesex, guardian of Samuel Watson, a person *non compos mentis*, be, and he hereby is, authorized to make, execute, and deliver, to Charles Wood and Caleb Wood, a good and sufficient deed, conveying to them and to their heirs and assigns, in fee simple, all the right, title and interest, which the said Samuel Watson has in the following described real estate, situated in Cambridge, described as follows, to wit: bounded north-westerly by Magazine Street, ninety feet; north-easterly by William Street, ninety feet; south-easterly by land of the heirs of William Watson, deceased, ninety feet; and south-westerly by lands of said heirs, ninety feet; a full and adequate consideration for the same having been heretofore paid and received, to the use of the said Samuel Watson. [*Approved by the Governor, May 21, 1855.*]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY HENRY J. GARDNER.

REPRESENTATIVES' CHAMBER, Jan. 9, 1855.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in convention, and delivered the following

A D D R E S S .

Gentlemen of the Senate

and of the House of Representatives :—

That gracious Being, in whose hands are alike the destinies of individuals and of nations, has permitted us to assemble this day, intrusted with grave responsibilities and duties. While we remember that through His providential care and guidance our ancestors were enabled to establish on these shores the principles of Religious Freedom, and through His instrumentality also our revolutionary forefathers were permitted to secure the added boon of Civil Liberty, may we earnestly and fervently trust that we shall

be aided by His wisdom so to deliberate and act that these unspeakable privileges may be transmitted unimpaired to those who shall come after us.

The year just closed has been an eventful one. Shipwrecks beyond a parallel, the ravages of pestilence, the partial failure of the harvests, commercial revulsions and gigantic financial dishonesty, have signalized its calendar. To these must be added a wanton violation of a solemn national compact, and, last of all, that most terrible of evils,—carrying in its train every minor one,—war, between the most powerful monarchies of Christendom; its cause indefinite, its horrors only real, its results beyond the power of prediction.

We should be profoundly grateful that, while the wise Ruler of the Universe has permitted such calamities to befall others, we have been spared. Peace and plenty have again been vouchsafed to Massachusetts. Her public health has been preserved, her harvests blessed, her churches, schools, and charities, and the various branches of her mechanical and commercial industry, largely prospered.

A time-honored custom requires the Executive, at the commencement of the political year, to present his views and recommendations to the Legislature. Convened, as you are, in accordance with the requirements of the 22d article of the Bill of Rights, which declares that you “ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws as the common good may require,” I have every confidence that you will perform those duties by honest, thoughtful and wise legislation; honest, and therefore not for a party, but a people;—thoughtful, and therefore, while protecting the rights of the whole, invading the privileges of none;—wise, and therefore not for a year, but for generations.

The most prominent subject before our State and Nation at the present moment, and that which most naturally commends itself to-day, and in this place, to our attention, concerns our foreign population;—the duties of republicanism towards them, its dangers from them.

The immigration to this country was—

From 1790 to 1810,	120,000
“ 1810 to 1820,	114,000
“ 1820 to 1830,	203,979
“ 1830 to 1840,	778,500
“ 1840 to 1850,	1,542,850

And statistics show, that during the present decade, from 1850 to 1860, in regularly increasing ratio, nearly four millions of aliens will probably be poured in upon us.

With this alarming decennial ratio of increase,—with the astonishing statistical facts that nearly four-fifths of the beggary, two-thirds of the pauperism, and more than three-fifths of the crimes spring from our foreign population,—that more than half the public charities, more than half the prisons and almshouses, more than half the police and the cost of administering criminal justice, are for foreigners,—the people demand of their statesmen, and wise statesmanship suggests, that national and state legislation should interfere to direct, ameliorate and control these elements, so far as it may be done within the limits of the Constitution.

The times are peculiarly propitious for the development of this great American movement by the united action of the whole people. In the gradual disruption of the great parties, whose struggles constitute our political history; in the general resolution of these bodies into their individual elements; when old issues are obsolete or dying out, the individual, freed from the tyranny of party, naturally reverts to the great primary principles of our government, and to the sentiments and purposes of its founders. The remarkable spectacle presented to the eyes of our people, naturally and wisely jealous of their nationality, of a foreign immigration in the ten years from 1840 to 1850 outnumbering the whole previous influx since the organization of the republic, progressing too in an equally increased ratio since the latter date, and probable European convulsions threatening a steady augmentation of this flood, tend naturally to attract and bind together the people in one united national, not party, movement.

It is a great problem in statesmanship wisely to control the mingling of races into one nationality. The dominant race must regulate the incoming class. Such is political destiny, and history proves it. It is the only salvation of both. It is the compact of the incoming race. Legislation must coöperate with time and circumstances in working out this decree of God, this axiom of political philosophy, this theory of nationality.

To dispel from popular use every foreign language, so great a preserver of unassimilating elements of character—to print all public documents in the English tongue alone—to ordain that all schools aided by the State shall use the same language—to disband military companies founded on

and developing exclusive foreign sympathies—to discourage imported political demagogues, the broken-down leaders of insular agrarianism or continental red republicanism, whose trade here is to put themselves at the head of their deluded countrymen, to organize prejudice, to vitalize foreign feeling and morbid passion, and then sell themselves to the highest partisan bidder—to purify and ennoble the elective franchise—to adopt a carefully guarded check-list throughout the nation—to cultivate a living and energetic nationality—to develop a high and vital patriotism—to Americanize America—to retain the Bible in our common schools—to keep entire the separation of church and state—to nationalize before we naturalize, and to educate before either—to guard against citizenship becoming cheap,—all these constitute a work transcending the ordinary platform of party, and ranking with the great movements that originally found nations.

It has been said the times are propitious for the successful prosecution of this great work. All who are friendly to these vital measures should remember that, if they fail now, they are lost during this generation, perhaps forever. Unanimity of purpose among their advocates, and a patriotic sacrifice to duty of partisan attachments, alone are needed to insure success.

The prodigality with which citizenship, and its franchises, are lavished upon foreigners in this country, clearly tends to lower the tone of American feeling, to cheapen the value set upon its privileges, and to deaden national spirit and the pride of country. Neither the policy of other nations at present, nor the recorded experience of the past, affords us any parallel, and scarcely an analogy.

In the elevation and splendor of Athenian power, says Chancellor Kent, the privilege of citizenship was considered so distinguished a favor, that it was granted only by special decree of two successive assemblies of the people, and then alone to signal worth and reputation. In the times of the earlier Cæsars the freedom of the city and empire was given with a sparing hand; but the line of degenerate emperors succeeding, corrupted and destroyed this salutary jealousy of the right of citizenship, by extending it first to the whole of Italy, and finally to the entire empire, composed as it was of an aggregate of subjugated kingdoms, until the national blood was tainted, the distinctive national prejudice and spirit were dissolved, and the state perished under a horde of foreign barbarians, whose warlike invasion affords almost the only historic parallel, in number, to the peaceful and in-

sidious foreign influx to our shores at the present day. In England, the most liberal of the present European governments, citizenship is conferred only by special act of Parliament. In the Continental nations there are still further limitations, or a total prohibition.

When we witness the profuse liberality with which the sacred right of citizenship is bestowed among us, the slender guards that exist against its unworthy or fraudulent gift, and the great interests in the hands of those who receive, as well as those who grant it, we should pause and calmly consider the possible consequences.

To a Republican Government, there is necessarily cause for greater alarm than to others. Here the adopted citizen is invested with both the right of choosing and being chosen to office. Not only must he be an elector, but he may be, and often is, an officer. Every additional naturalization tends to denationalize, to Europeanize, America. The universal record of History teaches that all republics that have risen and fallen owe their destruction to foreign influence, unseen at first, permitted till too strong for resistance, at last fatal.

The danger of foreign influence was keenly felt by the early fathers of the Republic. Washington, in language befitting alike the gravity of the subject and his own sagacious statesmanship, repeatedly warns his countrymen to beware of it. The writings of nearly all his distinguished contemporaries, of every shade of political sentiment, contain similar counsels. This was at a period when ships were comparatively few and small, steamers unknown, and practically the old world was quadruple the distance from us it is now; at a time too when the stream of immigration was almost imperceptible in comparison with the ocean-like tide that sets in upon us to-day; at a time also before the alien element in our elections had become so important that the foreign vote had been bartered for office and honors, and now on this side, and now on that, had once and again decided who should rule the destinies of the American Republic.

Time does not permit me to quote the names of the long line of distinguished statesmen who have given utterance to similar sentiments, as this danger has more clearly developed itself during the half century since intervening, but I cannot forbear mentioning the authority and words of our own Webster. He said more than ten years since, in Faneuil Hall, and in the presence of some who now hear me, "There

is an *imperative necessity* for reforming the Naturalization Laws of the United States."

Were those patriots with us to-day, could they witness the more imminent danger now existing, we feel assured that their voice of warning would be raised with redoubled earnestness.

Acting then on my conviction of duty, I express the opinion, that the people of our Commonwealth believe our rights, privileges and liberties are endangered by these causes, for a long time seen, but yearly growing more alarming. They distrust foreign influences nursed in customs and creeds antagonistical to republicanism, venal voters controlled by alien leaders for office and honors, ignorant voters misled by designing politicians for place and power, vicious voters bought by promised impunity and license for their wrong doings.

The alien born who has lived among foreign customs and institutions, however honest and well disposed, cannot be competent to enter into the spirit and comprehend the genius of our institutions like one born and educated amid them. No native citizen can vote for his civil rulers, except in the few cases of temporary absence from the country, until he has lived twenty-one years under the blessings and influences of our system. He must become not only familiarized with its workings, but aware of its value. This period of life being one when the intellect is most active in acquiring information, and the faculties most facile to adapt themselves to the circumstances around them, the whole time is spent, not in eradicating old theories and preferences, but in acquiring new ones.

To the alien all this is different. He comes here at a later age, with perceptive powers less acute, opinions formed, judgment already biased by the intellectual, political, social and religious influences of his native land. Too frequently also the want of early education, and the necessity of unremitting toil, preclude those opportunities of instruction and habits of thought that our common schools afford to all who are born within the circle of their influence. Looking only to the proper educational training necessary to duly appreciate the workings of our government, it is important that at least the same period of apprenticeship and probation should be required of the alien as of the native voter.

To remedy the evils referred to is a cause alike glorious and permanent; glorious, for in defending the fundamental principles of our Republic we must be co-workers with

those who laid its corner stone; permanent, because our greatest evils and dangers can only be reached through the national government, and after a protracted struggle, and the remedy once applied must be rigidly and constantly enforced.

Legislation for this purpose is not influenced by prejudice against the foreigner, but rather by the truest regard for his as much as our own interests, and those too of his and our descendants, whose common birthright will be citizenship. Leaving the old world of his own volition, because he can here find a happier and better home, and because the old world's religious and political and social systems, with their temporal and spiritual shackles upon body and mind, kept him impoverished, without a decent home, sufficient food, comfortable clothing, or means of education for himself or children, he gladly flies to these shores, where he is told education and land are public gifts, and every necessary of life is as certain to the industrious as is personal protection itself.

Coming as he does, then, because our civil, social and religious systems are better than his own, let him freely avail himself of all the blessings his industry and our laws can give him; but we must insist that we ourselves shall continue to administer those laws untrammelled, according to our own judgment and the example of our fathers.

The laws of Congress, which give any clerk or inferior police justice the right of investing the alien with the high immunities and dignity of American citizenship, in secret, at unknown times and places, by reading a declaration the alien does not comprehend, on testimony often a mockery of sworn evidence, on oaths administered in a manner not considered obligatory, should be fundamentally modified. The practical operation of the present machinery for naturalization is a blot upon judicial proceedings, and a depreciation of the dignity and value of citizenship.

A few select, public naturalization courts should be established in the greater centres of the foreign population,—a judge, or commissioner, of tried integrity, should preside in each,—a public officer be appointed to inquire into and sift all applications,—its sessions should be public and at stated times,—hearings on application notified beforehand,—and the whole process conducted with stringent care and guarded with the strictest circumspection.

I recommend to the Legislature to consider whether any thing may be constitutionally done to apply these princi-

ples to the clerks of our State Courts and to our Police Courts of Record.

Three of the most vital principles of a Republican Government are Spiritual Freedom, a Free Bible, and Free Schools. With these we cannot fail to have independent, upright and intelligent voters, and they necessarily insure a just, impartial and wise government. With their opposites, Spiritual Despotism, a Fettered Bible, or, more probably, no Bible at all, and Sectarian Schools, our liberties would exist but in name, and very soon but in history.

Recognizing, to its fullest extent, the right guaranteed to every one in the Preamble to the Constitution of Massachusetts of "worshipping God in the manner and season most agreeable to the dictates of his own conscience," deeming it the most sacred right that can be granted to man, the determination to protect that privilege in all its purity is a cardinal doctrine of truly American statesmanship.

But, while no religious denomination, as such, should be opposed, every citizen should earnestly withstand the intrigues of those who would pervert the church to political purposes, and should protest against the union of church and state, or the subordination of the state to the church. The state should protect all churches, and not one church control, or attempt to control, the state. Spiritual despotism is antagonistic to the principles of individual and public liberty. An alien may forswear his allegiance to the foreign potentate, and may take the oath of allegiance to his adopted country; but, when he has been taught as the fundamental truth of his religion that spiritual obligation overrides mere temporal and civil obligation, that his duty to his church is higher than his duty to the state, the danger and probabilities are, that he will use the privileges of a voter, not primarily for the benefit of the state which granted them, but of the church, which in his judgment is supreme above the state.

Believing these dangers and probabilities real, it is a solemn duty so to restrict alien franchise, that, while entire toleration is granted others to worship their Maker according to the dictates of their own judgment, we preserve the same right to us and ours untrammelled and unendangered.

The present European immigration is deeply prejudicial to the fair remuneration of American labor. The mechanic, the artisan, the agriculturist, daily suffer from its influence.

There is no statement in political ethics more palpable or fundamental than that honest industry should receive its due reward. Those who hourly feel the oppressing competition of alien labor, depreciated under the taskmasters of the old world, and schooled in the self-denials and modes of existence there so universal, properly believe that their own as well as the interests of the Republic demand that their elective franchise should be exercised for the protection of American labor.

In the series of privileges and duties granted a legislator, none is more important than the opportunity to dignify and ennoble labor,—none either is more frequently overlooked. The corner stones of the American Republic are, the birthright of suffrage, universal education, religious freedom and protection to labor.

The report of the Secretary of the Treasury, recently transmitted to Congress, shows that our imports, during the past year, have exceeded our exports twenty-six millions of dollars. The profits on our exports and freights during that period have reduced, in a trifling degree only, this enormous balance of indebtedness. Thirty-eight millions of dollars in gold—over nine-tenths of all our receipts from California during the year, as officially reported—have simply passed through the country, *in transitu*, and have been shipped away to pay for imported products of European labor, and the interest on our European debt. This vast sum should have been kept here as a basis of healthy business, and as a more general substitute for small bank notes, our present circulating medium.

Had this golden gift of Providence been retained at home to enrich the American artisan and tiller of the soil, instead of having been squandered to purchase foreign luxuries and the products of alien labor, we should this day, as a nation, doubtless have enjoyed prosperity in every branch of industry, instead of the threatened depression and distress which now alarm the community.

Our remedy is not so much in legislative enactments and tariffs as in cultivating a feeling of patriotic nationality, and an united determination to encourage the skill and industry of the American laborer, by consuming the home products of the shop, the factory and the field, in preference to imported fabrics and foreign productions, which result must be the inevitable sequence of a truly American sentiment pervading our nation.

The tax-payer, when called upon to contribute from his

well-merited earnings for the support of suffering pauperism and crime, will, and of right should, investigate their causes. When he finds our State Almshouses now contain two thousand foreign paupers, our State and County Lunatic Asylums eight hundred alien insane, our State Prison, Jails, and Houses of Correction, over six thousand five hundred foreign inmates per annum, as shown by the returns, and estimates for 1853, a large proportion of whom were shipped here at the expense of foreign authorities, to relieve their native countries from their support, or from their crimes, and that this vast alien army is supported by Massachusetts at an annual expense of three hundred thousand dollars, he will scarcely believe his honest desires to correct these gigantic evils are occasioned by prejudice, are unauthorized or unjust.

It has been stated that many of the evils and dangers referred to are within the exclusive province of national legislation. Others, however, can be averted through the agency of the State government. If this duty is left unfulfilled, or but partially accomplished, we neglect a great responsibility intrusted to us.

Massachusetts, since the days of the Revolution, has been accustomed to be among the foremost in all measures of rational progress. She is once more permitted to take the lead in that legislation believed necessary to perpetuate religious and civil privileges, both initiated within her boundaries, the one on Plymouth Rock, and the other upon the battle field of Lexington.

I recommend, then, to the careful consideration of the Legislature, the following measures:—

1. That amendment to the Constitution, which last year passed one stage of enactment, prohibiting the diversion of the educational funds of the State to the establishment or support of sectarian schools.

2. The power to repeal or modify the naturalization laws is confided alone to the Congress of the United States; but while Congress naturalizes, each State for itself prescribes the qualifications of all voters within its limits, for National as well as State officers. I recommend, therefore, an amendment to our Constitution, prohibiting the exercise of the elective franchise to all of alien birth, qualified by naturalization, till they have resided within the United States twenty-one years.

3. As a common school education, or its equivalent, is necessary to rightly understand the duties, and to be com-

petent to properly appreciate the privileges, of a freeman, I recommend a further constitutional provision, to the effect that no person shall be permitted to vote who cannot read and write the English language.

4. I recommend an amendment to the Constitution, so that no person shall be eligible to any office in the gift of the people who shall not be a legal voter in accordance with the previous suggestions.

5. The honor of the American Flag should be confided only to those who are born on the soil hallowed by its protection: they alone can justly be required to vindicate its rights. One of my earliest official acts then will be, if sanctioned, as the laws require, by the advice and consent of the Executive Council, whom you will select, to disband all military companies composed of persons of foreign birth.

6. I recommend to your consideration the expediency of exempting all alien citizens from military duty. If, in your wisdom, this should be deemed insufficient to meet the designed object, I recommend forbidding by law payment of the State bounty to any military company which has enrolled among its members persons of foreign birth.

7. It has already been stated that two thousand paupers, of alien origin, are this day in the State Almshouses, and eight hundred foreign idiots and lunatics are occupants of the State Insane Asylums, or supported by the Counties, at the expense of the Commonwealth. Every kindness that our common humanity and Christian precepts dictate, should be shown these poor unfortunates. At the same time, it is clearly our duty to protect ourselves against the custom, hardly to be credited, were it not proved to be systematically adopted by foreign authorities, which empties upon our shores the workhouses and hospitals of the old world. Providence seems to ordain that we should provide for those, who, capable of self-support, immigrate voluntarily, but meet with misfortune or calamity here. Those, however, whom cold-hearted cruelty or miserly calculation ships here, should, without exception, be returned with humanity to their own country.

The law of 1792 provides that any justice of the peace may cause this to be done. We need legislation that shall make this duty imperative, not merely permissive, and that shall place it in the hands of the proper officers. To a small extent the present law has been acted on; but those who are best competent to judge are of the opinion, that, if it should be amended, so as to make it the duty of the

selectmen or overseers of the poor of the several towns, under suitable penalties, to send such persons to the Board of Commissioners of Alien Passengers at Boston, and to require that Board to return them to the country from whence they came, we should soon be relieved from the charge of one-half the inmates of our State Almshouses. Moreover, if it is known that we systematically return all who are thus thrust upon our sympathies, the cruel custom of sending them hither will doubtless soon cease. The average expense of supporting an alien pauper is not far from sixty dollars per annum; the cost of sending them to Liverpool, whence most of them come, would not exceed twenty dollars each, including a comfortable outfit.

8. The Board of Alien Commissioners now consists of the Alien Passenger Agent, the Auditor, and one member of the Executive Council, and its annual gross receipts are about fifty thousand dollars. Practically its duties fall on the first named. They are too onerous and too responsible to be intrusted to any one man's hands. The last Alien Passenger Agent fell a victim to the labors and exposures of his office. The present one is often called on to toil fourteen or sixteen hours per day. There are confided to his sole judgment and faithfulness the power of demanding or dispensing with heavy bonds of indemnity, and of adjusting the commutation tax thousands of dollars higher or lower on a single cargo of immigrants. A reorganization of this Board is recommended, causing it to be composed of persons solely devoted to its duties, and acting as a check on one another.

9. The question as to the best method of caring for our alien paupers is one of great moment. Until May last, all paupers unable to labor, and having no settlement within the State, were taken charge of by the various towns where they happened to be, which towns received from the Commonwealth forty-nine cents per week for adults, twenty-eight cents for children, and an additional discretionary remuneration for lunatics and those sick with contagious diseases. Three years ago the Legislature decided to change the system, and to erect State Almshouses, where all alien paupers should be sent and provided for at the cost of the Commonwealth. In May, 1854, the buildings, four in number, were ready for occupancy, and the change took place.

The chief benefits of the new system are, the separation of foreign paupers from our own American poor, and the avoidance of constant conflict between the town and state

authorities as to the amount of compensation, which led to numerous appeals to the Legislature, and the waste of much of its valuable time. Its greatest defect, besides the large outlay for the necessary lands and buildings, is the greatly increased cost to the State of supporting their inmates. The expense to the community, however, may not be greater now than before. The additional cost, beyond the *per capita* paid by the State, fell on the towns formerly, but now the State Treasury sustains the whole. Without deciding the question whether the change was, on the whole, desirable, concerning which there is great difference of opinion, it is certain that the new system should now be fairly tested. It is also our present duty to see if any legislation is needed to improve or economize the new plan. The Reports of the various Boards of Inspectors will be laid before you at an early day, and will doubtless contain valuable suggestions.

The cost of the new Almshouses has been \$241,758. The edifices are poorly built, badly ventilated and heated, faulty in their plan of construction, not provided with a needful supply of water, and, unless a very considerable outlay is made on them, will be in a short time in a ruinous condition. They are no credit to the State. They have no suitable workshops, and from twenty to thirty stoves and furnaces are situated in each main building, rendering the danger of fire very great.

Industry should be rigidly enforced on all who are able to perform even the lightest species of labor, both for the benefit of the inmates, and to reduce the cost of their support; whether agricultural or mechanical industry should mainly be attended to, the Legislature will determine. Sufficient workshops should be provided, and separate buildings for cooking, the fire of which might be sufficient for laundry purposes, and to heat the main edifices by steam, might perhaps prove true economy. No one can think of a conflagration breaking out in one of them, filled with six or eight hundred persons, many of whom are aged, sick, lame or blind, without a shudder.

The average cost per week to the State under the old system was about forty cents for each person; but, for the first seven months under the new, it has been nearly three times that sum. The most rigid economy should be insisted on, enforced by every check and restriction your wisdom may deem desirable. Every advantage of the market should be taken in purchasing supplies; and I suggest for your

consideration, whether advertising for proposals or the appointment of a purchasing agent for all the State Institutions might not be desirable. There is reason to believe that the average cost per week has been considerably enhanced by circumstances natural at first, and that it can be hereafter materially reduced.

But partial means of information have been within my reach during the limited time at my disposal. I have plainly spoken my present convictions; and it is but just to add, they may be modified by further investigation. I renewedly commend the whole subject of the support and occupation of the alien paupers to your especial attention.

Your judicious but decided action on the important subjects thus briefly stated, will necessarily be felt beyond the limits of Massachusetts. It will affect the legislation of other States, and to some extent, probably, influence the proceedings of Congress itself. We wish our army Americanized, our navy Nationalized. We wish the restriction as to birth, now applicable to the office of President, extended to members of the Cabinet and of Congress, to the Judges of the Supreme Court, and to all our diplomatic representatives abroad. We desire a vital amendment of the naturalization laws, and an uniform requirement of twenty-one years' residence in the United States before the elective franchise is conferred upon aliens. We wish stringent national laws regarding immigration, the imposition of an uniform and sufficient capitation tax, and the universal deportation of criminals and paupers shipped to our shores. These and other reforms can only be consummated through an American President and an American Congress. Your harmony, judgment, and firm adherence to principle, must needs have no inconsiderable influence in hastening this result.

The question of temperance will naturally receive your deliberate consideration. The evils of intemperance force themselves on the attention of every statesman. They appear at the bar of our courts, they cry aloud from our prisons, jails and hospitals, and the wailings of our lunatic asylums are their voices. They drain our treasury, and swell the long catalogue of pauperism and suffering. They are universally recognized as a legitimate object for legislation. They claim the deep attention of the lawgiver, as well as of the philanthropist.

Our Supreme Court, a tribunal that has the just confidence of all, having pronounced unconstitutional some provisions

of the present anti-liquor law, such sections should not longer remain on our statute book. Every citizen of the State, probably, concurs in the wish, that they be either repealed or amended.

Coming, as you do, fresh from the people, your deliberate conclusions will doubtless be a fair criterion of their wishes. Whatever measures you may perfect to prevent intemperance and check pauperism and crime, and which are deemed constitutional by myself and the officer whom the laws of the Commonwealth have provided as my legal adviser, shall receive my unhesitating sanction.

In defiance of the principles asserted by the dominant national party in their last Presidential Convention, in disregard too of the pledges of the President in his Inaugural Address, sectional issues have been reopened by the wanton violation of plighted national faith on the part of Congress and the Executive, in the repeal of the Missouri Compromise, which fixed a northern limit to the extension of slavery. The first result of this pernicious action was to shock the moral sentiment of the community, and to excite fears that all constitutional and legal barriers against the diffusion of this acknowledged evil would, from time to time, be swept away. It has moved men's minds at the North to an extent no other political occurrence has done within the memory of the present generation. Its ultimate effect will and should be, to determine us, by the consideration of every sacred and holy duty, to manfully demand the restoration of this broken compact, and to jealously guard each and every right that belongs to Massachusetts.

While we acknowledge our fealty to the Constitution and the Laws, the oft-repeated cry of disunion heralds no real danger to our ears. While we honestly concede the common duties evoked by the articles of confederation, we will preserve inviolate the State Rights retained for each sovereign member of that confederacy. With fraternal feelings to all her sister States, and filial devotion to their common parent, yet with acknowledged rights and a determination that they be maintained, there stands Massachusetts.

Of those rights, the two cardinal ones are, the Habeas Corpus and the Trial by Jury. It is submitted to your deliberations, whether additional legislation is required to secure either of these to our fellow-citizens. Scrupulously avoid such action as asserts or looks to the maintenance of any rights not clearly and constitutionally ours, but weave every safeguard you justly may round those primal birth-

rights, older than our national birthday, and dear as its continued existence.

The financial condition of the Commonwealth is not a flattering one. The following is an approximate statement of the Expenditures and Receipts for the past fiscal year, which will be presented in accurate detail in the Auditor's Annual Report:—

EXPENDITURES.

Legislative and Executive Department,	\$354,398 00	
Scientific and Educational purposes,	20,686 00	
Interest on Debt,	100,625 00	
Charitable and Humane purposes,	236,652 00	
Correctional and Preventive purposes,	170,355 00	
Military,	67,489 00	
		<hr/> \$950,205 00

ORDINARY REVENUE.

Bank Tax,	\$525,868 00	
Alien Passenger Receipts,	50,000 00	
Western R. R. Sinking Fund and Dividends,	119,696 00	
Cash on hand at commencement of year,	13,410 00	
From sundry other sources,	9,308 00	
		<hr/> 718,282 00
Annual ordinary income, exclusive of State Tax, short of expenditure,		<hr/> \$231,923 00

The following items may be regarded as extraordinary expenditures:—

Convention Expenses,	\$11,205 00	
New Lunatic Hospital do.,	10,000 00	
Malden Bridge,	9,000 00	
		<hr/> 30,205 00
Leaving still a deficit of—say		<hr/> \$201,718 00

The action of the last Legislature, for the purpose of increasing the School Fund to a million and a half of dollars, will, in effect, diminish the annual income of the State, heretofore applicable to meet its current expenses, about fifteen thousand dollars.

The cost of supporting the State Paupers for the year ending November 1st, 1853, was \$100,750, which amount, under the old system, has been paid to the towns during

the past year. But, owing to the new plan adopted, the cost of supporting the same paupers in the new almshouses, for the year 1854 in part, amounting to \$80,890, has also been paid from the treasury during the past year. This fact will not materially vary the above estimates however, as, during the year upon which we are now entering, we must pay to the towns the expense of supporting these paupers from November 1st, 1853, till the period when they were removed to the State Almshouses, in May, 1854, as well as the cost of their support in these almshouses, from month to month, during the current financial year.

On looking over the schedule of receipts, the Bank Tax alone seems likely to produce additional revenue. This, under charters granted last year, may possibly be increased to the amount of \$20,000. It is not probable the present wants of the community demand additional banking capital, and it is to be hoped that no more charters will be granted.

I commend to your close examination the items of the other and larger column. Introduce into every branch of expenditure rigorous and minute economy; remembering, however, that parsimony is not true economy in fostering the noble and Christian, charitable and humane institutions of Massachusetts.

On examining this list, there is one item especially that can be, should be, and the people expect will be diminished, and that is the expense of the Legislature. Whatever additional cause of grateful regard the session of 1855 may bring to our constituents, let it have the special merit of being a working and a short one.

The public lands of Massachusetts, situated in Maine, were sold over a year ago; and I recommend the abolishment of the office of Land Agent. The nominal duties pertaining to the post can be transferred to the Auditor, or one of the other Heads of Departments, and the salary be saved to the State.

A large and increasing annual expenditure of money is made to various Commissions created by the Legislature. In many cases, the duties performed are not commensurate to the price charged. It is hoped no commission will be created that is not indispensable, and perhaps the Legislature can safely terminate some now in existence. I earnestly recommend that in all cases hereafter, where commissions are created, and the amount of labor can be approxi-

mately estimated, the Legislature will fix in the Resolves the specific sum that shall be paid each Commissioner. The system of *per diem* pay should be avoided.

The last Legislature initiated a series of amendments to the Constitution. They were finally agreed upon, and passed by the united voices of able and influential men of all parties there represented. Some of them, by themselves alone, would perhaps have failed of the requisite majority; but, as a whole, they were deemed just, fair, and demanded by the popular desire. In this opinion I concur, and recommend them, as a body, to your favorable judgment. If approved by you, they can either be submitted to the popular vote at the March town meetings or postponed till the next annual election. If the first course seems preferable, you can mature the necessary legislation to take effect only in case these amendments receive the sanction of the people.

The repeal of the usury laws is believed to be desired by the business community. The notorious violation of any law serves only to create disrespect for all. Honorable men are deterred from lending money at its real value, on personal security, when contrary to law; and a portion of the funds of the community being thus diverted from this channel, men less scrupulous obtain a higher rate from the borrower. There is little doubt but that the repeal of these laws would reduce the price of money. Then, too, the borrower can meet the lender face to face, and make an open bargain, without resorting to the agency and cost of a third party, to avoid infringement of the letter of the law. The usury laws have recently been repealed in Great Britain, and the question will probably soon be favorably considered in various States of the Union. In my judgment, the change here should be made in such a way as not to affect loans on mortgage. With that view I recommend the repeal of the usury laws now in force, so far as they apply to negotiable paper having not exceeding eight months to mature.

Our existing law, in arrests on *mesne process*, and commitment on execution, imprisons for debt without a trial as to the question of property, leaving the debtor to swear out, making imprisonment precede judgment, and practically presuming the debtor to be guilty of fraud until he proves himself innocent. These provisions are unjust, and should be done away with; though some process should be provided whereby the fraudulent debtor may be subject to examina-

tion regarding his property, and be compelled to apply it to the payment of his just debts.

To accomplish these purposes, the creditor might be required to make oath that he believes the debtor to have property fraudulently concealed, which he fails to apply to the payment of his debts, and to have a summary hearing or trial on this charge immediately after the arrest on the writ, and before the commitment on execution. If convicted, the debtor is imprisoned, not for debt, but for fraud; and imprisonment for debt, so justly odious, is entirely abolished.

If a statute be enacted, embodying these provisions, it might be well to place the business in the hands of Commissioners, appointed for the purpose, instead of leaving it to the justices of the quorum, who now conduct it. The number of persons committed to jail for debt, and in civil suits for tort, in Suffolk County alone, is seven or eight hundred annually. In the large number of arrests in suits for tort, much oppression exists, and arrests for slander especially might safely be abolished.

In cases of insolvency, wages for labor are now preferred claims to the amount of twenty-five dollars if the work was done within sixty-five days before insolvency. The amount preferred should be larger, and the time longer. If a merchant fails for millions, his clerks and laborers take a dividend on their wages due above twenty-five dollars. So do the operatives in a manufacturing company. This is not only hard, but unjust. Business men, when they sell on credit, allow for the risk. The chance of loss enters into the calculation of the price to be charged. No such idea influences the wages of labor. The business creditor would not feel the difference in his dividends, nor object to the laborer being paid in full, while it is a matter of vital importance to the workman.

Frequent complaints are made regarding the inefficiency of the mechanics' lien law. I would suggest to your consideration the expediency of amending it so as to render it more effective in its working, in order that the laborer can avail himself more readily of its advantages, and at the same time the rights and interests of contractors and builders be more clearly and surely secured.

Within the past year, frequent frauds have been committed by making over-issues of stock in corporations. Eminent legal authorities appear to be undecided in regard to the precise nature and denomination of the offence; and in this

uncertainty offenders have escaped without punishment. To affix a suitable penalty to such frauds seems to be an appropriate case for legislative action.

No law at present exists giving holders of bills of insolvent banks a prior claim over other creditors. It is very desirable our currency should be rendered as safe as practicable. It is the duty of a depositor to ascertain the solvency of any bank he intrusts with his property; but the bill-holder, often at a distance, a laborer or a female, trusts solely to the law for protection. What the State permits as currency they confidently take, assured that the law will protect them in so doing by all just enactments. I commend the question to your consideration.

While making these suggestions, it seems necessary to add that one great fault in modern legislation is constant alteration and amendment in statute law. Even those whose province and sole business it is to expound the law can hardly keep pace with the annual changes, while the majority of our citizens are necessarily in ignorance of, and uncertainty as to, fundamental enactments which concern even their immediate occupation. No statutory change should be made that experience does not clearly demonstrate to be necessary.

I turn with pleasure to the agricultural interest of the Commonwealth, an interest so intimately connected with every other, and of such importance to them all, that its prosperity is the foundation of the welfare and wealth of every state. As early as 1792, the Massachusetts Society for the Promotion of Agriculture was founded, and in its example and liberal donations to the county societies, still exerts a highly valuable influence. The Society of Middlesex Husbandmen was established in 1794, and others have since been formed, till now the bounty of the State is supplied to seventeen associations. In 1852 the State Board of Agriculture was organized. The Governor, Lieutenant-Governor, and Secretary of State, are, *ex officio*, members; three persons are appointed by the Governor and Council, and the remainder of the Board consists of delegates, mostly practical men, from the several county societies.

In March last, the Trustees of the State Reform School transferred the management of the State Farm at Westborough to the Board of Agriculture, and subsequently the Legislature appropriated the sum of six thousand dollars for the purpose of commencing the contemplated improve-

ments. A detailed report of the operations of the Board will soon be laid before you.

In the same spirit of enlightened liberality which has heretofore fostered this important art, and encouraged the people in its prosecution, you will doubtless consider the subject, and I trust such judicious aid will continue to be afforded as will enable the Board to carry out the plans they have already commenced. These may include eventually the opportunity for a portion of our youth not only to obtain that practical knowledge of agriculture which will qualify them for the employments of the garden and the field, but also to acquire the scientific principles and practice indispensable to a successful pursuit of the higher branches of the art.

According to the returns in the census of 1850, the aggregate value of the farms, stock, implements and products in the Commonwealth, on the first of June of that year, was more than *one hundred and forty millions of dollars*. It is believed this sum, large as it is, will be gradually increased by superior modes of culture.

The skill and wisdom of the mechanic have also kept pace with our progress in agriculture. His active genius has devised, and his industry constructed, numerous implements and machines which supersede a vast amount of human toil, and give to the products of the soil in many places a new value. They also increase the worth of our lands, and enable us to supply, in larger degree, the wants of those engaged in other occupations. Of all her various branches of mechanical industry Massachusetts is justly proud.

Under the fostering aid of the State Bounty, the Military of the Commonwealth are in a prosperous condition. There are on file in the Adjutant-General's office applications for about thirty companies more than are authorized by law—unless, in accordance with a recent opinion of the Attorney-General, the present number may be somewhat increased. Some judicious military organization should exist in every Republic, for the defence of its liberties and rights. Experience and prudence alike dictate this course. We need no standing army with the germinal seeds of an efficient volunteer militia sown in our midst. A standing army becomes the mere machine of the dominant authorities, while the volunteer soldiery unite the skill of the tactician to the enlightened sentiment and feeling of the citizen.

During the past year our educational system, in all its various branches, has quietly but constantly exerted its

beneficent influences in dissipating the mists of ignorance, and unfolding to the youth of our State a heritage more valuable and enduring than material wealth. Our schools, we are confident, will continue to prosper while in them are inculcated the great lessons of morality and Christianity drawn from The Book which for more than two hundred years has been read in them by successive generations.

When the Reports of the Heads of Departments and of the various Commissions now in existence shall have been received and are transmitted to you, I shall avail myself of the opportunity of making any suggestions concerning our reformatory and charitable institutions that further acquaintance with their affairs may seem to demand.

The last Legislature passed Resolves for the establishment of a Reform School for Girls. The sum of twenty thousand dollars, required therein to be raised by private subscription, has been obtained, and commissioners appointed to select and determine its location, and to prepare plans and estimates for the necessary buildings. Twenty thousand dollars additional were appropriated from the State Treasury, for the purposes of this institution, and further legislation will be required at your hands when the Report of the Commission is presented.

Another Commission was also appointed by the same Legislature to consider and report whether any material alterations and additions are necessary in the Lunatic Hospital at Worcester, or whether the sale of that, and the erection of one or more new ones in other locations, are expedient. It would be a subject of regret should a very large outlay be deemed necessary for these two purposes in the present exhausted state of our treasury. Within about three years we have expended over six hundred thousand dollars in the construction of the Lunatic Hospital at Taunton, the Alien Pauper Almshouses, and the Enlargement of the State House.

Experience demonstrates, however, that it is truly the policy as well as the duty of the State to restrain its wayward, and educate its indigent youth. The State Reform School for Boys has been abundantly blessed in its results; but its full capacity is now employed, while its field of usefulness is by no means occupied. Should circumstances seem to you to demand additional provision for this class of our youth, the establishment of a Nautical School upon the marine border of the State would be a wise extension of this plan of charity and discipline.

The deficiency of seamen in our national and merchant marine has long been deplored. The Secretary of the Navy, in his late Report, makes special allusion to this subject, recommending the establishment of the apprentice system, whose object "will be to make youth practical seamen, to teach them to become familiar with the duties of the sailor, the sacredness of obedience to orders, and to watch over their mental and moral training."

It is a matter of unceasing regret that to-day a very large proportion, if not a majority, of seamen in the American service are foreigners. Massachusetts, from her extensive commercial occupations, has a paramount interest in this matter. Such an institution would provide shelter, education, moral culture, and restraint for the class who need all these, and at the same time furnish employment, at a suitable age, in a vocation where it is not only in great demand, but is essential to commercial prosperity and national protection.

The Claim of Massachusetts against the General Government, amounting to \$227,176.48 for services performed and expenditures actually made to repel invasion, during the war of 1812, still remains unpaid. This large sum, one-third of which belongs to the State of Maine, was spent by us over forty years ago; and nearly twenty years since the Secretary of War, by direction of Congress, made an examination of its justice, and pronounced it valid, and due from the United States. Every similar claim from other States was paid many years ago. It is to be hoped that now, when the national treasury is overflowing, the justice of our demand will be fully recognized by the passage of the bill before Congress for its liquidation. Any special action on this matter is referred to your judgment.

The suit in equity, in favor of the Commonwealth, against the State of Rhode Island, to establish by a judicial decision the true boundary between the States, so long a subject of controversy and of fruitless negotiation, is still pending in the Supreme Court of the United States at Washington. At the present term of the Court a rule has been entered, upon the motion of the Attorney-General of Massachusetts, requiring the State of Rhode Island to file its answer to the bill on or before the first day of the next term. It is to be hoped that the counsel of both parties will unite in urging to a speedy adjudication a cause of so much interest to the people of their respective States.

The two previous Legislatures passed Resolves, to cause

to be copied and printed the old Records of Massachusetts. These papers are of great historic value, and were fast going to decay. The fidelity with which this work has so far been done merits warm encomiums. It is for you to consider if a labor so necessary shall be continued till our colonial archives are secured in a permanent and enduring form.

Gentlemen :—

Elevated to this high and honorable office by the suffrages of my fellow-citizens, I can only promise to bring to the performance of its duties my earnest efforts and honest desires. I know no safer index in official action than a conscientious conviction of duty—none more fluctuating than the attempt to satisfy temporary caprice. Principles are enduring; and if disregarded, sooner or later the verdict of condemnation will be recorded against those who are false to their requirements. Let us, then, be true to our country and our duty. Let the success of principle, not of party, be our desire—the benefit of the State, not of a faction, our aim.

I congratulate you that there is so much of encouragement in the past, so much of hope in the future. I have every confidence in your singleness of purpose and in the results of your legislation; and I invoke the favor of the God of Nations on your deliberations and your action, that they may be blessed to the benefit of our common constituency and our ancient Commonwealth.

M E S S A G E S.

To the Speaker of the House of Representatives :

I herewith transmit, for the information of the Legislature, a communication from the Hon. Secretary of the Treasury of the United States, relating to ceding the jurisdiction of certain lands in the town of Gloucester, for the purpose of erecting thereon a Custom House.

HENRY J. GARDNER.

Council Chamber, Jan. 29, 1855.

To the Speaker of the House of Representatives :

I herewith transmit, for the use of the Legislature, the Annual Report of the Trustees of the Massachusetts School for Idiotic and Feeble-Minded Youth, together with the Treasurer's Report, and other documents.

HENRY J. GARDNER.

Council Chamber, Feb. 13, 1855.

To the President of the Senate :

I herewith transmit, for the use of the Legislature, a communication from M. Vattermare, the Massachusetts Agent for International Exchanges, dated at Paris, December 1st, 1854.

I avail myself of this opportunity to suggest to the Legislature the expediency of discontinuing the present arrangement with M. Vattermare. In my judgment, a change could be made with advantage to the State.

HENRY J. GARDNER.

Council Chamber, Feb. 17, 1855.

To the President of the Senate :

I transmit, herewith, to the honorable Senate, for the use of the Legislature, the Third Annual Report of the Commissioners on Boston Harbor and the Back Bay.

The lateness of the period when the Report has been received, and the importance of the information it contains being as soon as possible communicated to the Legislature, renders any thing more than a hasty perusal, on my part, impossible. From such cursory examination, I am only prepared to say that the general line of policy indicated, meets my approbation. There are many interesting and important questions that merit careful attention, and I recommend the subject to the earnest consideration of the Legislature, feeling that few matters of graver character, and of more interest to the Commonwealth, will be submitted for their examination and action.

HENRY J. GARDNER.

Council Chamber, Feb. 20, 1855.

To the Speaker of the House of Representatives :

I transmit, herewith, the Annual Report of the Commissioners of Alien Passengers, for the use of the Legislature.

HENRY J. GARDNER.

Council Chamber, Feb. 20, 1855.

To the Speaker of the House of Representatives :

I transmit, herewith, for the use of the Legislature, the Eighteenth Annual Report of the Board of Education, together with the Eighteenth Annual Report of the Secretary of the Board.

HENRY J. GARDNER.

Council Chamber, February 22, 1855.

To the Speaker of the House of Representatives :

I enclose a communication this day received from the "Commissioners on Boston Harbor and the Back Bay," in reference to a Bill they state to be now pending before the House of Representatives.

HENRY J. GARDNER.

Council Chamber, February 22, 1855.

To the President of the Senate :

I transmit, herewith, for the use of the Legislature, the Final Report of the Commissioners appointed under Chapter 36, of the Resolves of 1854, to establish Lines in Mystic River, Boston Harbor and Dorchester Bay.

I commend to the especial attention of the Legislature the suggestion to request the Federal Government to cause scientific examinations to be made, by its officers, of the present condition of the Harbor of Boston, with a view to advise such precautionary policy as its necessities may dictate.

Also, the further recommendation by the appointment of the State, of a permanent Board of Commissioners, to have a constant supervision of the Harbor, and a watchful guardianship over the great interest that our whole State has in common with Boston in its preservation.

HENRY J. GARDNER.

Council Chamber, March 1, 1855.

To the Speaker of the House of Representatives :

I transmit, herewith, for the use of the Legislature, the Report of the Commissioners under the Resolves of 1854, Chapter 64, concerning the Insane in this Commonwealth, and the State Lunatic Hospital at Worcester.

By the Resolve the Commissioners were directed "to report to the Governor and Council on or before the commencement of the session of the next General Court, and to accompany their report with plans and specifications, and estimates of cost, &c."

Also, the Report of the Commissioners under Chapter 82, Resolve of 1854, regarding certain Railroad Crossings in the City of Boston.

HENRY J. GARDNER.

Council Chamber, March 7, 1855.

To the Speaker of the House of Representatives :

I transmit, herewith, the Report of the Commissioners appointed under the 32d Chapter of the Resolves of 1853, relating to the Revision of the Pilot Laws, which has this day been received by me.

HENRY J. GARDNER.

Council Chamber, March 16, 1855.

To the Speaker of the House of Representatives :

I transmit, herewith, in accordance with the request of the House of Representatives, the Annual Report of the Land Agent, which was placed on file in this department, in accordance with usage, when received.

HENRY J. GARDNER.

Council Chamber, March 30, 1855.

To the Speaker of the House of Representatives :

I have carefully considered the Bill returned herewith, entitled "An Act to aid the Vermont and Massachusetts Railroad Company," which proposes to loan to that corporation the credit of the State for one million dollars.

The authority to loan the State credit is nowhere expressly granted in the Constitution, and, under its most liberal construction, can only properly be exercised when demanded by a great public exigency. Even then the power is an implied one only.

It is proper, therefore, to inquire whether such a public exigency exists in the case under consideration.

The Committee who report the Bill, state the petitioners ask the loan for the following reasons. (House Document, 188.)

1st. The road "is an ample security for the debt."

2d. "Their railway is of the most permanent and enduring character, entirely finished."

3d. "It connects several important counties, gives great local accommodation, and is an important link in the most direct and level route between Boston and the West."

4th. "While the Western Railway, a public beneficiary, accommodates the southern section of the State, this line has been carried, by private enterprise, over mountain summits, and through deep ravines, opening to commerce and industry our northern valleys, without receiving any assistance from the State."

5th. "A grant of the public credit will rescue this line from brokers and usurers, who will require a large discount and brokerage in the renewal of its bonds."

6th. "It will ease the general money market of Massachusetts, by drawing funds at five per cent. from London or Holland."

7th. "And, finally, the aid of the State will relieve a large body of meritorious citizens along the line of the

railway, who will thus be enabled to realize upon stocks and bonds, and invest their means in mills and manufactures, and thus add to the resources of the line, and to the wealth of Massachusetts."

While earnestly desirous to aid, by every proper and constitutional means, in developing the resources and promoting the welfare of the citizens in all portions of Massachusetts, these reasons,—and these are all that are given,—seem to me wholly insufficient to make out a case of public exigency. There is not one of them, excepting in the points of compass and geographical direction, that will not apply to every railroad in our State. No doubt nearly every one of these railroads would be glad of this very loan; and should the exigency be considered established in this case, nearly all of them will very probably believe they have an equal claim upon the bounty of the State. Should it be granted now, it will be difficult to give just reasons for refusing many others hereafter.

Already have applications been made at this session for a loan of the State credit to the amount of about four millions of dollars. It has been publicly stated, by some of the later applicants, as an apology for not seeking the grant earlier in the session, that "they had no idea State aid of this kind would be granted, till they saw the report of the Committee in another case."

The credit of Massachusetts is such now as to excite the just pride of her citizens and the confidence of the commercial world. It is our duty to see that no unconstitutional and illegal perversions of it are made that would justly weaken that confidence.

If the reasons for asking this loan are examined separately, their inherent weakness is still more apparent.

The first reason, that the road furnishes ample security to the State, seems to conflict with the fifth, that "a grant of the public credit will rescue the line from brokers and usurers, who will require a large discount and brokerage in the renewal of its bonds." If the road is "ample security" for this debt, why cannot its bonds be sold without "a large discount" to "rescue it from brokers and usurers?" Massachusetts citizens have invested very many millions of dollars in railways west of the Hudson River. A single railroad in the new State of Illinois has procured five millions of dollars on its own bonds in Europe. Most certainly "ample security" should be able to obtain without difficulty, at home or abroad, a loan in this case, as it has in others.

The second reason, because "their railway is of the most permanent and enduring character, *entirely finished*," furnishes in its two concluding words a fatal objection to its object. Our State wisely has loaned its credit in a number of instances where new fields of industry and new markets were to be opened by the construction of new railways and a great benefit was to be conferred upon the public, but where natural difficulties or want of confidence in the early days of the system prevented private capital from completing desirable enterprises. This furnished the "public exigency" necessary. But never has the State credit yet been loaned to railways "*entirely finished*," and in my judgment it cannot be without overstepping the constitutional powers granted the government.

The third reason, "that it connects important counties, gives great local accommodation, and is an important link in the most direct and level route between Boston and the West," this railroad has in common with all others, (saving the precise points of connection,) and presents no feature that makes out a "public exigency" for the loan from the State.

The fourth reason requires no remark, unless it be that the State *has* granted its aid to the Troy and Greenfield Road, which is "a link" in this same "route between Boston and the West." The fact, however, that this particular corporation has *not* received any aid from the State, does not prove that it *should*, without also proving that assistance should be granted every other also which has not yet received it.

The fifth and sixth reasons certainly have no weight in influencing my judgment in favor of the necessity of the grant. Most assuredly there is no constitutional power in the government to lend its aid for the purpose of "rescuing this road from brokers and usurers," or "to ease the general money market, by drawing funds from London or Holland at five per cent."

The last reason for the grant excites the best wishes of us all as individuals. We should be glad to see any portions of our citizens "enabled to realize upon stocks and bonds," that they "may invest their means in mills and manufactures," if they desire so to do; but it may be safely asserted that the custodians of the public credit cannot legitimately loan the indorsement of the State for any such purposes.

It must be borne in mind that this policy, if carried out, inaugurates an entirely new era in the practice of the Com-

monwealth—new, inasmuch as it is granted to a road entirely completed, and for purposes that may be truly characterized as personal accommodation to its bond and stockholders. Believing, then, that the State can only loan its credit in cases demanded by imperative and extraordinary public exigency—that such exigency does not exist in the present case—that this loan has no parallel in the past legislation of Massachusetts—that it would be unjust to the property and business of the State to involve them in such vast liabilities, dangerous as a precedent for future action, and deeply to be deprecated as overstepping our constitutional powers, I withhold my signature from the bill.

HENRY J. GARDNER.

Council Chamber, April 30, 1855.

To the Speaker of the House of Representatives :

I return, herewith, to the House of Representatives, in which branch of the Legislature it originated, a bill entitled "An Act in aid of the Western Railroad Corporation."

I have before declined affixing my approval to a bill of a somewhat similar character, on the single ground that in my conviction the State had no power under its Constitution to loan its credit, excepting in cases of great and extraordinary public exigency. That exigency exists only where a public benefit is to be conferred through the aid of the State, because private enterprise and capital are unable or unwilling to incur the risk incident to untried undertakings, or to those where natural difficulties interpose an obstacle that appears insurmountable without its aid.

The Report of a Committee of the stockholders of the Western Railroad, adopted at a meeting held in this city on the seventh of March last, proves that State aid is asked as a facility and convenience to the road, and not from any necessity in the case. In that Report three methods for the completion of its second track are suggested. First, the appropriation of its sinking fund, amounting now to about a million and a half of dollars; secondly, the increase of its capital stock, for which authority has already been granted by the Legislature; and thirdly, the issue of its bonds, which is authorized by the statutes of the Commonwealth, chapter two hundred and eighty-six of the laws of eighteen

hundred and fifty-four. The Report, so recently accepted, adds that "your Committee think it injudicious to make any application to the Legislature at this time, in furtherance of the interests of this company, and are of the opinion that there will be but little difficulty in providing all the means which it may be necessary to raise, from the sales of bonds bearing interest at the rate of five or six per cent. per annum, or of stock to be taken by the stockholders or others at par, if the stockholders will authorize the directors, at their discretion, to issue stock, or bonds, or obligations of the company, not exceeding one million of dollars in amount. We think it desirable to fix this limit, at present, to construction expenses; and our opinion is confirmed by the president's judgment."

The road will be benefitted by the proposed bill, only inasmuch as it can sell its bonds, with the indorsement of the State, to better advantage than without that indorsement, and only to the extent of such difference. In fact this is overstating the question, for it is obvious to all that the risk of loaning money to itself, is less than lending it to others, and for this difference of risk, suitable allowance should be made.

That this risk is worthy of consideration, appears from the fact that about one hundred thousand dollars of the sinking fund have been invested in other railroad stocks, of which the Committee say they think it improbable the cost will ever be realized. Two hundred thousand dollars additional have been loaned another "railroad, without a mortgage of its property or collateral security." Moreover, two hundred thousand dollars still have been invested in mortgage notes, "representing fifty-one different mortgages; many of these are past due, and in some cases the makers of the notes are dead, or have become bankrupt." And, finally, three hundred thousand dollars more have been loaned on mortgage in the city of Albany, and "some of these mortgages are to secure loans as small as five hundred dollars each; and if the commissioner who has the immediate charge of the fund was not very pains-taking, losses might ensue from these small and troublesome investments."

It appears to me very evident that such an exigency as is demanded for the proper exercise of this power does not exist in the present case. There are, it is true, certain reasons why it is claimed State aid should be granted this road, but it is difficult to conceive any case where its advocates cannot find some grounds for such an argument. The

State is the owner of nearly one-quarter of the Western Railroad stock; but if the stockholders of the other three-quarters are to receive the indorsement of the Commonwealth, it will be hard to refuse it in other cases, where roads are wholly owned by private individuals. Especially does this argument apply to a corporation that has been so largely and so often as this the recipient of the bounty of the Commonwealth.

Desirous always to keep in view the limited power under which we act, requiring that imperative public exigency, and not pecuniary advantage to the stockholder, whether that stockholder is an individual or the Commonwealth, be the sole ground on which State aid can be constitutionally granted, I withhold my approval from this bill.

HENRY J. GARDNER.

Council Chamber, May 16, 1855.

To the President of the Senate :

I return, herewith, to the Senate, in which body it originated, a bill entitled "An Act to Protect the Rights and Liberties of the People of the Commonwealth of Massachusetts."

Very many of its provisions have my hearty approval. I desire to see in any and every way the rights of the people of Massachusetts protected, and will give my ready sanction and aid to every measure that tends to accomplish that purpose, without violation of constitutional obligations, in conformity with the principles laid down in my Inaugural Address, that we should "scrupulously avoid such action as asserts or looks to the maintenance of any rights not clearly and constitutionally ours." I have taken a solemn oath to support the Constitution of Massachusetts and the Constitution of the United States. No earthly power or influence should induce me to be knowingly disloyal to that sacred obligation. Those oaths of office, the sober convictions of duty, and the fealty of an American citizen, conspire to forbid it.

Unconstitutional enactments, tending to an armed conflict between our State and National systems of government, which must result in the submission of one, alike fatal, whichever it is, should be equally shunned by judicious statesmanship, as well as patriotic duty. In such delicately balanced organizations, the integrity of the one should be

preserved, as zealously as the humiliation of the other should be avoided.

The legal adviser given me by the statutes of the Commonwealth, in the opinion annexed to this communication, pronounces the bill now before me unconstitutional in some of its provisions. The Supreme Judicial Court, also, in an opinion signed by all its justices, in reply to a question propounded to them by myself, state as follows: "When any person, either citizen or stranger, has rendered himself amenable to the legal process of both governments," (the Federal and State,) "the one which by its process, and its officers, first obtains the lawful custody of such person, acquires a priority of jurisdiction which cannot be rightfully or legally defeated by the other, until the process first attaching shall have been satisfied or discharged."

Both these opinions are clear and unmistakable, and there are no higher authorities known to our laws or to our judgments. Being unwilling, therefore, to lead Massachusetts into a position hostile to the harmony of the confederacy which is essential to the permanent interests of the Commonwealth and the Republic, no course is left me but to withhold my sanction from the bill.

I have no doubt that had it been reported at an earlier period in the session, it would have been subjected to more careful scrutiny and examination, and its objectionable provisions obviated. There is much of good in it, but that cannot atone for its evil. There is much that, in accordance with the true doctrine of man's rights and of State rights, Massachusetts might well place upon her statute book, but that cannot authorize its illegal and unconstitutional requirements.

I trust and believe the Legislature will not act in this case without deliberate reflection. Let it not hastily place itself where, perhaps, it may wish to recede, but without the power. An omission may hereafter be supplied, but the stigma of an unconstitutional enactment can never be entirely effaced. The rights, the honor, and the integrity of Massachusetts are confided to us. Having sworn to obey her Constitution and that of our common parent, the United States, let us act under the solemnity of those oaths, and in obedience to their requirements.

Notwithstanding my earnest approval of many of the provisions of this bill, for the reasons given, I am constrained to withhold my sanction.

HENRY J. GARDNER.

New Bedford, May 19, 1855.

To His Excellency Henry J. Gardner :

Sir:—In consequence of my absence from home, in attendance upon the Supreme Court, your Excellency's note of the 16th instant, accompanying a copy of a bill pending before the Legislature, entitled "An Act to protect the Rights and Liberties of the People of this Commonwealth," has only just reached me.

In reply to the request contained in it, that I will advise you officially if any of the provisions of this bill are, in my judgment, unconstitutional, I can only give the general result of my examination of it, as an extended statement of the grounds of my opinion would necessarily postpone a communication beyond this day's mail, and it would consequently not reach you until after the probable termination of the session,

I must content myself, therefore, with expressing in this communication the opinion which I entertain, that this bill is obnoxious to very grave objections in many particulars, and is clearly repugnant to the provisions of the Constitution of the United States.

Its inevitable tendency and effect, is to bring the courts of the United States and their officers into an irreconcilable conflict with those of the Commonwealth; and it is a virtual denial of the constitutional obligation which rests upon the Commonwealth, its officers and citizens, to recognize the Constitution of the United States, and all laws made in pursuance thereof, as the *supreme* law of the land.

In my judgment the bill is also exceptionable in some of its provisions, as being beyond the constitutional competency of the Legislature, under the provisions of the Constitution of the Commonwealth.

It attempts to construe and declare the true intent and meaning of the provision of the Constitution, which subjects judicial officers to removal by the Executive, upon address of both branches of the Legislature, and to declare the meaning of the Revised Statutes relating to the writ of *habeas corpus*.

In these respects it seems to me to be a palpable violation of that provision of the Constitution of Massachusetts that "The Legislative Department shall never exercise the executive and judicial powers, or either of them," the interpretation of the Constitution and laws being clearly a judicial and not a legislative power.

The general views of this proposed enactment, which I

regret I have not time to develop, as they are susceptible of being developed, into an argument upon the specific provisions of the bill, are sufficient to constrain me to say, in reply to your Excellency's inquiry, that in my judgment the bill is in violation of the Constitution.

I am, very respectfully, your obedient servant,

JOHN H. CLIFFORD,

Attorney-General.

NOTE.—On the 16th of May I transmitted to the Hon. Attorney-General the printed bill as originally reported, and on the 18th, I sent the amendment adopted, which left the bill in the shape it now is.

This "Opinion" must be predicated on the present form of the bill as it will be noticed he specially refers to one of those amendments as unconstitutional.

• HENRY J. GARDNER.

Council Chamber, May 21, 1855.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E .

THE end of the institution, maintenance and administration of government, is to secure the existence of the body politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of form-

Objects of government.

Body politic, how formed.
Its nature.

ing a new constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

See amendments, Art. XI.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion

Legislature empowered to compel provision for public worship;

and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys, paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or rela-

and to enjoin attendance thereon. See amendments, Art. XI.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, etc.

See amendments, Art. XI.

All denominations equally protected.

Subordination of one sect to another prohibited.

Right of self-government secured.

Accountability of all officers, etc.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

tions by blood, the idea of a man born a magistrate, law-giver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws, than those to which their constitutional representative body have

Taxation founded on consent.

given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Private property not to be taken for public uses without, etc.

Remedies, by recourse to the law, to be free, complete, and prompt

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially

and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury. Right to trial by jury, in criminal cases, except, etc.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen. Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws. Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it. Right to trial by jury sacred, except, etc.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth. Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it. Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

Moral qualifica-
tions for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral obligations
of lawgivers and
magistrates.

Right of people to
instruct representa-
tives and peti-
tion legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend
the laws or their
execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of de-
bate, etc., and
reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent ses-
sions, and ob-
jects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded
on consent.

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto
laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Legislature not to
convict of trea-
son, etc.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or
fines, and cruel
punishments,
prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial, and legislative departments.

PART THE SECOND.

The Frame of Government.

THE people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative department.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives, each of which shall have a negative on the other.

See amendments, Art. X.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve:

Bill may be passed by two-thirds of each house, notwithstanding.

but if, after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicials, courts of record, etc.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all

manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and extises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

General court may enact laws, etc.,

not repugnant to the constitution:

may provide for the election or appointment of officers:

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, etc.

Valuation of es-
tates once in ten
years, at least,
while, etc.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by whom
elected.
See amendments,
Arts. XIII. and
XVI.

ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be counsellors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of counsellors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be
districts, until,
etc.
See amendments,
Art. XIII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of counsellors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for counsellors and senators, viz.:—

Suffolk,	six.	York,	two.
Essex,	six.	Dukes Co. and Nantucket, .	one.
Middlesex,	five.	Worcester,	five.
Hampshire,	four.	Cumberland,	one.
Plymouth,	three.	Lincoln,	one.
Barnstable,	one.	Berkshire,	two.
Bristol,	three.		

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district, or plantation, where he dwelleth, or hath his home.

Manner and time of choosing senators and counsellors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Art. III.

Word "inhabitant" defined.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Arts. II. and X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for counsellors and senators, in the plantations where they reside, as town inhabitants have in their

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings.

See amendments, Art. X.

Assessors to notify, etc.

respective towns; and the plantation meetings for that purpose shall be held, annually, on the same first Monday in April, at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for counsellors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

III. And that there may be a due convention of senators on the last Wednesday in May, annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of their own members.

See amendments, Art. X.

IV. The senate shall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the

Vacancies, how filled.

State, or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator. See amendments, Art. XIII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceeding.

Shall choose its officers, and establish its rules.

VIII. The senate shall be a court, with full authority, to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively, be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust, or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Shall try all impeachments.

Oath.

Limitation of sentence

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

Representatives,
by whom chosen.
See amendments,
Arts. XII. and
XIII.

II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to
towns having
less than 150
ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.

Towns liable to
fine in case, etc.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expense of trav-
elling to and from
the general court,
how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of
a representative.
See amendments,
Arts. XIII. and
XIV.

III. Every member of the house of representatives shall be chosen by written votes; and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of, a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.

Qualifications of
a voter.

See amendments,
Art. III.

IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.

Representatives,
when chosen.
See amendments,
Arts. X. and XV.

V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

House alone can
impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

Quorum.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going, or returning; or who shall rescue any person arrested by the order of the house.

House to judge of returns, etc., of its own members;

to choose its officers and establish its rules, etc.

May punish for certain offences.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Governor and council may punish.

General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

See amendments.
Art. VII.

By whom chosen,
if he have a majority of votes.

See amendments.
Arts. II., X., XIV.
and XV.

III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days, at least, before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of

votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one, who shall be declared governor.

How chosen,
when no person
has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the counsellors of this Commonwealth for the time being; and the governor, with the said counsellors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

Power of govern-
or, and of gov-
ernor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

Same subject.

See amendments,
Art. X.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

See amendments,
Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and
council may ad-
journ the general
court in cases,
etc., but not ex-
ceeding 90 days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the

Governor to be
commander-in-
chief.

inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this Commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, etc.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, etc., how nominated and appointed.
See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such

nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of twenty-one years of age and upwards; the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Vacancies, how filled, in case, etc.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth for the time being.

Officers, duly commissioned, how removed.

See amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quarter-masters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Adjutants, etc., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Organization of militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor

Money, how drawn from the treasury, except, etc.

for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards,
etc., to make
quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

Salary of governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries to be enlarged, if insufficient.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

President of council.

Lieutenant-governor a member of, except, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, etc.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council for advising the governor in the executive part of the government, to consist of nine persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and au-

Council.

See amendments, Art. XVI.

thority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom and how chosen.

See amendments, Arts. X., XIII. and XVI.

If senators become councillors their seats to be vacated.

Rank of councillors.

No district to have more than two.

Register of council.

Council to exercise the power of governor in case, etc.

Elections may be adjourned, until, etc.

Order thereof.

II. Nine counsellors shall be annually chosen from among the persons returned for counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

III. The counsellors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

IV. Not more than two counsellors shall be chosen out of any one district of this Commonwealth.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do, and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

VII. And whereas the elections appointed to be made by this constitution, on the last Wednesday in May, annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room. And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, etc.;
by whom and
how chosen.
See amendments,
Arts. IV. and
XVII.
Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable, and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, etc.

CHAPTER III.

JUDICIARY POWER.

ART. I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all commissioned officers to be expressed.

Judicial officers to hold office during good behavior, except, etc.

But may be removed on address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven

Justices of the peace; tenure of their office.

years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Provisions for holding probate courts.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for determining causes of marriage, divorce, etc.

V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

THE delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &C.

SECTION I.

The University.

Harvard College.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many

persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this, and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers, and servants, respectively, forever.

Powers, privileges, etc., of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

All gifts, grants, etc., confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby

Who shall be overseers.

Power of alteration reserved to the legislature.

are, vested with all the powers and authority belonging; or in any way appertaining, to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

WISDOM and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country, to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. Any person chosen governor, lieutenant-governor, counsellor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

See amendments,
Art. VII.

And the governor, lieutenant-governor, and counsellors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution, and forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations viz. :

"I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen, or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, preëminence, authority, dispensing or other power, in any matter, civil,

See amendments,
Art. VI.

ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States; and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, GOD."

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, GOD."

Provided always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words "*I do swear,*" "*and abjure,*" "*oath or,*" "*and abjuration,*" in the first oath; and in the second oath, the words "*swear and,*" and in each of them the words "*So help me, GOD;*" subjoining instead thereof, "*This I do under the pains and penalties of perjury.*"

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and counselors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, etc., except, etc.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any

other place or office, or receive any pension or salary from any other State, or government, or power, whatever.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person. Same subject.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up. Incompatible offices.
See amendments, Art. VIII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any counsellor shall accept of either of those offices or places. Same subject.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment. Bribery, etc., operates disqualification.

III. In all cases, where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. Value of money ascertained.
Property qualifications may be increased.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

Provisions respecting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, etc.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of habeas corpus secured, except, etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, etc.

IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Provision for revising constitution.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary,

the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid. Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws. Provision for preserving and publishing this constitution.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such. Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for General court empowered to charter cities.

the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards, or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose: and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Notaries public, how appointed and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the offices of secretary and treasurer, how filled, in case, etc. See amendments, Art. XVII.

In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, etc.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under, as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers;

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, GOD.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

or affirmation, in case, etc.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, counsellors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or counsellor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county-attorney, clerk of any court, sheriff,

Incompatibility of offices.

treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution, how
made.

ART. IX. If, in any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if in the general court next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

and termination.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and counsellors, shall also hold their respective offices for one year next following the

first Wednesday of January, and until others are chosen and qualified in their stead.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.

Meetings for the choice of governor, lieutenant-governor, etc., when to be held.

May be adjourned. See amendments. Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, counsellors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious freedom established.

As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever

have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society: and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

Census of ratable polls to be taken in 1837, and decennially thereafter.

ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Representatives, how apportioned. See amendments, Art. XIII.

Towns having less than 300 ratable polls, how represented.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Fractions, how represented.

Any city or town, having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district, may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative: and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XIII. A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of apportionment of senators and representatives.

Senatorial districts declared permanent.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth, shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how

many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Nine counsellors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a counsellor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one counsellor shall be chosen from any one senatorial district in the Commonwealth.

Counsellors to be chosen from the people at large.

Qualifications of counsellors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of Governor and legislature.

ART. XVI. Eight counsellors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of counsellors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one counsellor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the counsellor

Eight counsellors to be chosen by the people.

Legislature to district State.

Qualification of
counsellors.

Day and manner
of election, etc.

Vacancies, how
filled.

Organization of
the government.

districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of counsellor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of counsellors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five counsellors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and counsellors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Election of secretary, treasurer, auditor and attorney-general, by the people.

Vacancies, how
filled.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next

thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within 10 days, otherwise office to be deemed vacant.

Qualifications requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own schools.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe, for the election of sheriffs, registers of probate, etc., by the people.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday

of the ensuing June. In the mean time the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "that the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled November 15, 1820, to the people, and by them approved and adopted, April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829-30, and 1830-31, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people the twenty-third day of May, 1855.]

LIST OF THE
CIVIL GOVERNMENT
OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,

FOR THE POLITICAL YEAR 1855.

HIS EXCELLENCY
HENRY J. GARDNER,
GOVERNOR.

HIS HONOR
SIMON BROWN,
LIEUTENANT-GOVERNOR.

COUNCIL.

ALBERT H. NELSON,	CHANDLER R. RANSOM,
HORACE LYMAN,	ELMER BRIGHAM,
DAVID DAVIS,	JOHN KENRICK,
BENJ. H. WEST,	JOHN W. FOSTER,
C. D. HUNKING.	

EPHRAIM M. WRIGHT,

Secretary of the Commonwealth.

CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

THOMAS J. MARSH,

Treasurer and Receiver-General of the Commonwealth.

DANIEL H. ROGERS, *1st Clerk.* H. P. HANSON, *2d Clerk.*

STEPHEN N. GIFFORD,

Auditor of Accounts.

HENRY BLANEY, *Clerk.*

FRANCIS M. ADAMS,

Messenger to the Governor and Council.

SENATE.

HENRY W. BENCHLEY,
PRESIDENT.

SUFFOLK DISTRICT.

Lemuel M. Barker,	Daniel Warren,
Richard Libby,	Albert J. Wright,
Charles H. Stedman,	Sebeus C. Maine.

ESSEX DISTRICT.

John Batchelder,	Stephen Huse,
James D. Black,	Moses Tenney, Jr.
Streeter Evans,	

MIDDLESEX DISTRICT.

O. W. Albee,	A. E. Hildreth,
Elihu C. Baker,	David K. Hitchcock,
John A. Buttrick,	Z. L. Raymond.

WORCESTER DISTRICT.

Henry W. Benchley,	Jabez Fisher,
Albert A. Cook,	Alvan G. Underwood.
Edward Denny,	

HAMPSHIRE DISTRICT.

Francis DeWitt,	Charles K. Hawkes.
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HAMPDEN DISTRICT.

William O. Fletcher,	Gilbert Pillsbury.
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FRANKLIN DISTRICT.

Erastus Andrews.

BERKSHIRE DISTRICT.

Billings Palmer, Andrew A. Richmond.

NORFOLK DISTRICT.

James E. Carpenter, Benjamin F. White.
Bradford K. Peirce,

BRISTOL DISTRICT.

Joseph E. Dawley, Ambrose Vincent.
Simon W. Robinson,

PLYMOUTH DISTRICT.

Robert B. Hall, James W. Ward.

BARNSTABLE DISTRICT.

Sylvester Baxter, Lewis L. Sellew.

NANTUCKET AND DUKES CO. DISTRICT.

Ivory H. Lucas.

PETER L. COX, *Clerk.*

W. E. P. HASKELL, *Assistant Clerk.*

REV. LYMAN WHITING, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

WILLIAM M. WISE, *Door-keeper.*

JOHN A. SARGENT, *Assistant Door-keeper.*

WILLIAM SAYWARD, *Postmaster.*

TILSON FULLER, *Messenger.*

HOUSE OF REPRESENTATIVES.

DANIEL C. EDDY,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Elizur Baldwin,
George F. Bigelow,
Samuel A. Bradbury,
John D. Brayton,
David Bryant,
* George Cannon,
George P. Clapp,
John M. Clark,
Morrill Cole,
James H. Collins,
Micah Dyer, Jr.,
James E. Farwell,
Jonas Fitch,
John S. H. Fogg,
James C. Folsom,
William E. French,
Nathaniel M. George,
J. Proctor Haskins,
Edward W. Hinks,
Joseph Hiss,
Merrill C. Johnson,
Stephen Lovell,

Boston,

Nehemiah P. Mann,
 Julian O. Mason,
 Watson G. Mayo,
 Abel B. Munroe,
 John R. Mullin,
 Stephen G. Nash,
 Samuel Neal,
 Jonathan Peirce,
 Charles A. Phelps,
 Nathaniel Ring,
 James G. Sanderson,
 Stephen L. Sawyer,
 Charles W. Slack,
 James W. Stone,
 John L. Swift,
 Luther L. Tarbell,
 David Thayer,
 Mical Tubbs,
 Edward A. Vose,
 Levi Wilkins,
 George F. Williams,
 Francis B. Winter.
Chelsea, Samuel Batchelder,
 * Charles E. Webster.
North Chelsea, Benjamin H. Dewing.
Winthrop,

COUNTY OF ESSEX.

Amesbury,
Andover,

Charles L. Rowell.
 Daniel Carleton,
 William Jenkins.
Beverly, John B. Hill,
 William Porter.

Boxford,
Bradford,
Danvers,

William Hall.
 Israel W. Andrews,
 Francis Dodge,
 Joseph Jacobs.

<i>Essex,</i>	John Prince.
<i>Georgetown,</i>	A. B. Noyes.
<i>Gloucester,</i>	Charles C. Pettingell,
	John S. Webber.
<i>Groveland,</i>	Nathan Perley, Jr.
<i>Hamilton,</i>	William McK. Smith.
<i>Haverhill,</i>	Elbridge W. Chase,
	Jesse Simonds.
<i>Ipswich,</i>	Augustus C. Carey.
<i>Lawrence,</i>	John Gale,
	Benjamin Harding,
	James R. Johnson.
<i>Lynn,</i>	Francis E. Andrews,
	Thomas Chapman,
	James S. Lewis,
	* James Lyon.
<i>Lynnfield,</i>	
<i>Manchester,</i>	George A. Brown.
<i>Marblehead,</i>	Simon Lamprell,
	Thomas F. White.
<i>Methuen,</i>	John L. Blaisdell.
<i>Middleton,</i>	Benjamin Averill.
<i>Nahant,</i>	
<i>Newbury,</i>	Hermon D. Rogers.
<i>Newburyport,</i>	William H. Huse,
	Daniel M. Reed,
	Joshua D. Robinson.
<i>North Andover, †</i>	
<i>Rockport,</i>	Benjamin Parsons, Jr.
<i>Rowley,</i>	Daniel H. Hale.
<i>Salem,</i>	George H. Devereux,
	Samuel G. Jones,
	Eben W. Kimball,
	John Kinsman,
	John W. Russell,
	J. Lovett Whipple.

† Incorporated 1855.

<i>Salisbury,</i>	Robert Rich.
<i>Saugus,</i>	Richard Mansfield.
<i>South Danvers,†</i>	
<i>Swampscott,</i>	
<i>Topsfield,</i>	Nathaniel Conant.
<i>Wenham,</i>	Orren Mildram.
<i>West Newbury,</i>	

COUNTY OF MIDDLESEX.

<i>Action,</i>	Joseph Noyes.
<i>Ashby,</i>	
<i>Ashland,</i>	William M. Thayer.
<i>Bedford,</i>	
<i>Billerica,</i>	Charles H. Hill.
<i>Boxborough,</i>	
<i>Brighton,</i>	Nathaniel Martin.
<i>Burlington,</i>	
<i>Cambridge,</i>	David S. Buck, George Fisher, Oliver T. Leighton, Stephen Smith, John M. S. Williams.
<i>Carlisle,</i>	Amos T. Munroe.
<i>Charlestown,</i>	J. Q. A. Griffin, C. H. J. Hamlen, Francis M. Mason, Jeremiah S. Remick, Edward R. Robinson.
<i>Chelmsford,</i>	Edwin Josselyn.
<i>Concord,</i>	Ephraim W. Bull.
<i>Dracut,</i>	Joseph B. V. Coburn.
<i>Dunstable,</i>	
<i>Framingham,</i>	Josiah H. Temple.
<i>Groton,</i>	John W. Parker.
<i>Holliston,</i>	George Batchelder.
<i>Hopkinton,</i>	John A. Fitch.

† Incorporated 1855.

Lexington,
Lincoln,
Littleton,
Lowell,

Curtis Cutler.

Walter Burnham,
Ransom Clifford,
Weare Clifford,
Daniel C. Eddy,
Stedman W. Hanks,
Horace Howard,
Jeremiah P. Jewett,
Josiah G. Peabody,
Henry Phelps, Jr.,
Samuel A. Waters.
William J. Eames.
Lewis T. Frye.
Jonathan Oldham.
John Viall.
Nathaniel Smith.
Marshall S. Rice,
Horace R. Wetherell.

Malden,
Marlborough,
Medford,
Melrose,
Natick,
Newton,

North Reading,
Pepperell,
Reading,
Sherborn,
Shirley,
Somerville,
South Reading,
Stoneham,
Stowe,
Sudbury,
Tewksbury,
Townsend,
Tyngsborough,
Waltham,
Watertown,
Wayland,
West Cambridge,
Westford,

Sumner Carter.
Nathan P. Pratt.
Malachi Babcock.
William Taylor.
James M. Shute.
James M. Sweetser.
J. Parker Gould.
Ephraim Hale.

John E. Wood.
B. E. Wetherbee.
Lowell Lawrence.
Samuel O. Upham.
George Frazar.

George Hill.
Luther Prescott.

Weston,
Wilmington,
Winchester,
Woburn,

Cephas Church.
William T. Grammer.

COUNTY OF WORCESTER.

Ashburnham,
Athol,
Auburn,
Barre,
Berlin,
Blackstone,
Bolton,
Boylston,
Brookfield,
Charlton,
Clinton,
Dana,
Douglas,
Dudley,
Fitchburg,

Gardner,
Grafton,
Hardwick,
Harvard,
Holden,
Hubbardston,
Lancaster,
Leicester,
Leominster,
Lunenburg,
Mendon,
Milford,
Millbury,
New Braintree,
Northborough,
Northbridge,

Edward S. Flint.
Laban Morse.
Emory Stone.
George M. Buttrick.

John S. Haradon.
Henry Whitcomb.

Sumner Bartlett.
Alfred Mower.
James Ingalls.
D. T. Vining.
Jeremiah B. Luther.

Judson S. Brown,
Moses G. Lyon.
John M. Moore.
Samuel C. Flagg.
James P. Lynde.
Caleb S. Gerry.
William C. Metcalf.
Leonard Clark.
Francis F. Hussey.
John D. Cogswell.
Alanson Richardson.
George D. Brown.
Royal M. Wheelock.
Herman H. Bowers.
Nehemiah P. Smith.
Amory Felton.
John B. Crawford.
Washington White.

North Brookfield,
Oakham,
Oxford,
Paxton,
Petersham,
Phillipston,
Princeton,
Royalston,
Rutland,
Shrewsbury,
Southborough,
Southbridge,
Spencer,
Sterling,
Sturbridge,
Sutton,
Templeton,
Upton,
Uxbridge,
Warren,
Webster,
Westborough,
West Boylston,
West Brookfield,
Westminster,
Winchendon,
Worcester,

Albert L. Poland.
 David S. Ross.
 James M. Sandford.
 Simon G. Harrington.

Sewall G. Mirick.
 Tarrant Cutler.
 Charles M. Temple.
 Lucius S. Allen.
 Ezekiel D. Rockwood.
 William C. Barnes.

J. S. Butterick.
 Simeon F. Marsh.
 Alanson A. Lombard.
 Frederick Parker.
 Velorous Taft.
 Cyrus G. Wood.
 Joseph Ramsdell, Jr.
 George H. Bacon.
 Benjamin Boynton.
 David C. Murdock.
 William R. Thomas.
 Edward Kendall.
 John L. Reed.
 Harrison Bliss,
 Daniel E. Chapin,
 Waterman A. Fisher,
 Austin L. Rogers,
 Putman W. Taft.

COUNTY OF HAMPSHIRE.

Amherst,
Belchertown,
Chesterfield,
Cummington,
Easthampton,

Benjamin F. Smith.
 Lorin L. Tower.
 Seth Warner.

<i>Enfield,</i>	
<i>Goshen,</i>	
<i>Granby,</i>	
<i>Greenwich,</i>	Benjamin J. House.
<i>Hadley,</i>	Levi Stockbridge.
<i>Hatfield,</i>	
<i>Huntington,†</i>	
<i>Middlefield,</i>	Amos W. Cross.‡
<i>Northampton,</i>	Charles P. Huntington,
	Oliver Warner.
<i>Norwich,†</i>	Thomas Ring.
<i>Pelham,</i>	Rufus Grout.
<i>Plainfield,</i>	
<i>Prescott,</i>	William H. Winter.
<i>South Hadley,</i>	Warren L. Waterman.
<i>Southampton,</i>	Stephen Lyman.
<i>Ware,</i>	Freeman W. Dickinson.
<i>Westhampton,</i>	
<i>Williamsburg,</i>	Erastus Graves.
<i>Worthington,</i>	Granville B. Hall.

COUNTY OF HAMPDEN.

<i>Agawam,§</i>	
<i>Blandford,</i>	
<i>Brimfield,</i>	Paul W. Paige.
<i>Chester,</i>	Otis Taylor.
<i>Chicopee,</i>	Guy Davenport,
	Loman A. Moody,
	Erastus Stebbins.
<i>Granville,</i>	James P. Cooley.
<i>Holland,</i>	
<i>Holyoke,</i>	Arba C. Slater.
<i>Longmeadow,</i>	Rial Strickland.
<i>Ludlow,</i>	Jerre Miller.

† Name of Norwich changed to Huntington, 1855.

‡ In place of MILTON COMBS, deceased.

§ Incorporated 1855.

<i>Monson,</i>	Nelson F. Rogers.
<i>Montgomery,</i>	
<i>Palmer,</i>	Elijah G. Murdock.
<i>Russell,</i>	
<i>Southwick,</i>	Heman Laffin.
<i>Springfield,</i>	William Bodurtha,
	Alanson Hawley,
	William Foster,
	Thomas W. Wason.
<i>Tolland,</i>	Hiram C. Brown.
<i>Wales,</i>	Elijah Shaw.
<i>Westfield,</i>	Derrick N. Goff.
<i>West Springfield,</i>	Samuel D. Warriner.
<i>Wilbraham,</i>	John W. Langdon.

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	
<i>Bernardston,</i>	E. S. Hulburt.
<i>Buckland,</i>	Luther Bullard.
<i>Charlemont,</i>	Ansel L. Tyler.
<i>Coleraine,</i>	
<i>Conway,</i>	E. F. Ames.
<i>Deerfield,</i>	* Luther B. Lincoln.
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	
<i>Hawley,</i>	
<i>Heath,</i>	
<i>Leverett,</i>	
<i>Leyden,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	George Clapp.
<i>New Salem,</i>	Charles A. Perry.
<i>Northfield,</i>	Samuel S. Holton.
<i>Orange,</i>	Stephen Emory.
<i>Rowe,</i>	
<i>Shelburne,</i>	Samuel T. Field.

<i>Shutesbury,</i>	Samuel W. White.
<i>Sunderland,</i>	
<i>Warwick,</i>	
<i>Wendell,</i>	James E. Clark.
<i>Whately,</i>	Edwin Bardwell.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Lansing Allen, Edwin F. Jenks.
<i>Alford,</i>	James Shead.
<i>Becket,</i>	Mark P. Carter.
<i>Cheshire,</i>	William G. Waterman.
<i>Clarksburg,</i>	
<i>Dalton,</i>	
<i>Egremont,</i>	Abner Brown.
<i>Florida,</i>	
<i>Great Barrington,</i>	Calvin Rood.
<i>Hancock,</i>	Rufus L. Mason.
<i>Hinsdale,</i>	Francis Watkins.
<i>Lanesborough,</i>	Mason S. Palmer.
<i>Lee,</i>	Edward S. May.
<i>Lenox,</i>	William A. Phelps.
<i>Monterey,</i>	
<i>Mount Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	
<i>Otis,</i>	
<i>Peru,</i>	
<i>Pittsfield,</i>	Charles T. Barker, Charles Churchill.
<i>Richmond,</i>	Henry B. Stevens.
<i>Sandisfield,</i>	Hosea G. Hulbert.
<i>Savoy,</i>	Harmon Snow.
<i>Sheffield,</i>	Graham A. Root.
<i>Stockbridge,</i>	Frederick W. Carter.
<i>Tyringham,</i>	
<i>Washington,</i>	Alson Bills.
<i>West Stockbridge,</i>	Morgan L. Boughton.

Williamstown,
Windsor,

Edwin F. Gray.
James L. White.

COUNTY OF NORFOLK.

Bellingham,
Braintree,
Brookline,
Canton,
Cohasset,
Dedham,
Dorchester,

Chares Cook, 2d.
William R. Penniman.
David Wilder, Jr.
George Capen.
Edward Tower.
Curtis G. Morse.
Gustavus E. Haynes,
John Mears, Jr.

Dover,
Foxborough,
Franklin,
Medfield,
Medway,
Milton,
Needham,
Quincy,

John Littlefield.
Seneca Hills.
Isaac Fiske.
Albert Thwing.
J. Wesley Martin.
Lauren Kingsbury.
Wyman Abercrombie,
Thomas C. Webb.

Randolph,
Roxbury,

J. White Beicher.
Christopher Marsh,
William B. May,
Horatio G. Morse,
William S. King,
Jerahmeel C. Pratt,
Joseph H. Streeter.
Charles T. Howard.

Sharon,
Stoughton,
Walpole,
Weymouth,

Abel T. Upham.
Harvey Boyden, 2d.
Daniel Dyer,
Abner Holbrook.

West Roxbury,
Wrentham,

Benjamin Hawes.

COUNTY OF BRISTOL.

<i>Attleborough,</i>	Charles Craven.
<i>Berkley,</i>	Walter D. Nichols.
<i>Dartmouth,</i>	Nathaniel Potter, Jr.
<i>Dighton,</i>	Isaac Hathaway.
<i>Easton,</i>	Harrison T. Mitchell.
<i>Fairhaven,</i>	Daniel J. Lewis.
<i>Fall River,</i>	Benjamin H. Davis,
	Asa P. French,
	Daniel Leonard,
	Jonathan E. Morrill.
<i>Freetown,</i>	Job Terry.
<i>Mansfield,</i>	John Rogers.
<i>New Bedford,</i>	Tilson B. Denham,
	Caleb L. Ellis,
	George G. Gifford,
	Edward Milliken,
	Asa R. Nye.
<i>Norton,</i>	Lysander O. Makepeace.
<i>Pawtucket,</i>	Nathan P. Towne.
<i>Raynham,</i>	Elkanah Hathaway.
<i>Rehoboth,</i>	George H. Carpenter.
<i>Seekonk,</i>	Henry G. Stewart.
<i>Somerset,</i>	James M. Hood.
<i>Swansey,</i>	Allen Mason.
<i>Taunton,</i>	Elias A. Morse,
	Allen Presbrey,
	Hiram B. Wetherell.
<i>Westport,</i>	Benjamin B. Sisson.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Alexander Alden,
	Nahum Moore.
<i>Bridgewater,</i>	Elbridge Keith.
<i>Carver,</i>	James B. Tillson.
<i>Duxbury,</i>	Elbridge Chandler.
<i>East Bridgewater,</i>	Benjamin W. Keith.

<i>Halifax,</i>	Edward P. Kimball.
<i>Hanover,</i>	Charles Dyer.
<i>Hanson,</i>	Isaac Foster.
<i>Hingham,</i>	Joseph B. Thaxter, Jr.
<i>Hull,</i>	
<i>Kingston,</i>	Nathan Brooks.
<i>Lakeville,</i>	
<i>Marion,</i>	
<i>Marshfield,</i>	Stephen Gardner.
<i>Middleborough,</i>	Mirick Haskins,
	Nathan King.
<i>North Bridgewater,</i>	Lewis Fisher.
<i>Pembroke,</i>	Charles N. Thayer.
<i>Plymouth,</i>	Charles O. Churchill,
	Nathan Dunham.
<i>Plympton,</i>	
<i>Rochester,</i>	Thomas Ellis.
<i>Scituate,</i>	Erastus A. Young.
<i>South Scituate,</i>	A. Everett Stetson.
<i>Wareham,</i>	Jason F. Murdock.
<i>West Bridgewater,</i>	Paul Townsend.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Asa E. Lovell,
	Rufus S. Pope.
<i>Brewster,</i>	Freeman Foster.
<i>Chatham,</i>	Richard Gould.
<i>Dennis,</i>	Joshua C. Howes.
<i>Eastham,</i>	Elijah E. Knowles.
<i>Falmouth,</i>	Erasmus Gould.
<i>Harwich,</i>	Anthony K. Chase.
<i>Orleans,</i>	Josiah Freeman.
<i>Provincetown,</i>	Joseph P. Johnson.
<i>Sandwich,</i>	Joseph H. Lapham.
<i>Truro,</i>	Jedediah Shed.
<i>Wellfleet,</i>	Thomas H. Lewis.
<i>Yarmouth,</i>	Samuel Thacher, Jr.

DUKES COUNTY.

Chilmark,
Edgartown,
Tisbury,

Samuel G. Vincent.
Hiram Nye.

COUNTY OF NANTUCKET.

Nantucket,

Charles H. Brock,
William C. Bunker,
John Elkins.

Those marked with an asterisk (*), deceased during the session.

HENRY A. MARSH, *Clerk.*

STEPHEN N. GIFFORD, *Assistant Clerk.*

REV. J. H. TWOMBLY, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

ALEXIS POOLE, *Door-keeper.*

AUGUSTUS LOTHROP, *Messenger.*

EDMUND S. BRIGHAM, *Assistant Messenger.*

WILLIAM SAYWARD, *Postmaster.*

JOSEPH P. DEXTER, JR., *Page.*

AMASA H. TOLMAN, *Assistant Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, August 1, 1855.

I HEREBY CERTIFY that the printed Acts, Resolves, &c.,
contained in this pamphlet, are true copies of the originals.

EPHRAIM M. WRIGHT,

Secretary of the Commonwealth.

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